

# Hawaiian Gazette.

VOL. XXXIX, NO. 61.

HONOLULU, H. T., FRIDAY, JULY 29, 1904—SEMI-WEEKLY.

WHOLE No. 2611.

## THE LINER KOREA ARRIVES SAFELY AT YOKOHAMA



A CAPTURE OF COSSACKS.

## A PORT ARTHUR ASSAULT SAID TO HAVE BEGUN

(ASSOCIATED PRESS CABLEGRAMS.)

YOKOHAMA, July 29.—The Korea has arrived safely.

ATTACK ON PORT ARTHUR.

SHANGHAI, July 29.—The general attack on Port Arthur has begun.

CRISIS FOR KUROPATKIN.

ST. PETERSBURG, July 29.—Kuropatkin wires that the situation is unchanged. The correspondents have been ordered back to Harbin. Critical developments are imminent.

ADMINISTERS NEWCHWANG.

TIENTSIN, July 29.—Major Takayama has been made administrator of Newchwang.

ENGLAND AND RUSSIA.

LONDON, July 29.—The Anglo-Russian tension has relaxed and a rupture is now improbable.

LIAOYANG, July 27.—It is believed that Gen. Kuropatkin will withdraw his army to Mukden and await reinforcements.

PRESSING KUROPATKIN.

ST. PETERSBURG, July 27.—The Japanese are earnestly pressing Kuropatkin. Haicheng appears to be their objective point. Kanpass has been captured.

BALTIC EQUIPMENT DESTROYED.

ST. PETERSBURG, July 27.—A fire in the electric cable factory has destroyed the material for torpedoes and mines intended to equip the Baltic squadron. The loss is over \$1,000,000.

BRITAIN WAKING UP.

LONDON, July 27.—The Government is energetically investigating the case of the Knight Commander. Russia will be required to compensate the owners of the vessel and cargo and apologise. Shipowners are bombarding the Government with quests for protection.

THE MALACCA GOES FREE.

ALGIERS, July 28.—The British steamer Malacca has been released.

RUSSIAN PRESS SILENT.

ST. PETERSBURG, July 28.—The press makes no comment on the affair of the Knight Commander.

SIBERIA SUFFERING.

ST. PETERSBURG, July 28.—Eastern Siberia is suffering for supplies owing to the military monopolization of the railroad.

PROTESTS AGAINST SEIZURES.

WASHINGTON, July 28.—American shipowners are protesting to the State Department against the Russian seizures.

## CONSPIRACY TO ASSASSINATE HIGH RUSSIANS

(ASSOCIATED PRESS CABLEGRAMS.)

ST. PETERSBURG, July 29.—While Von Plehwe, the Russian Minister of the Interior, was driving from his office, a Finn named Leglo threw a bomb which killed the Minister and his coachman and injured fourteen persons. The assassin was mobbed and received fatal injuries.

MURAVIEFF STONED.

Muravieff, the Minister of Justice, was stoned while en route in his carriage, to report the death of Von Plehwe to the Emperor.

A MURDEROUS CONSPIRACY.

COPENHAGEN, July 29.—It is known here that a conspiracy exists in Russia and Finland to exterminate leading Russians.

TOKIO, July 28.—The Vladivostok squadron has been sighted off the province of Awa.

Awa province is located on the western side of the northeastern entrance to the Inland Sea, the great waterway of Japan which provides ingress to such important ports as Osaka and Kobe and is also a short route from the Pacific to the Japan Sea.

This sea is from eight to forty miles in width and about 350 miles long. Japan has fortified each end of this great waterway and various islands dotting it.

The sighting of the squadron at this point shows that during the past two days it has steamed about 300 miles to the southwest of the entrance to the bay on which Yokohama is situated.

It is possible that the change of position by the Russian fleet will permit the Korea to enter Yokohama without running the gauntlet of Russian fire, as she will probably reach the entrance to Sagami Sea and Yokohama today.

RUSSIA STOCKING UP.

ESSEN, July 28.—The Krupp gun works are running overtime on Russian orders.

JAPANESE STRATEGY.

TIENTSIN, July 28.—Generals Kuroki and Nogi are trying to get in the rear of Kuropatkin.

ENGLAND STILL ACTIVE.

LONDON, July 28.—The report that naval maneuvers have been countermanded is officially denied. Premier Balfour announces in the Commons that he feared the sinking of the Knight Commander was a breach of international law.

KUROPATKIN'S PERIL.

LONDON, July 28.—With two armies converging upon Haicheng, it is not believed Kuropatkin will hold that position long.

## UNCLE SAM IS AFTER LAND

### Picks Out Four Fine Beach Locations As Sites For Coast Defence Batteries.

According to property-owners and real-estate agents interested, a man from the War Department has been here for some time seeking options on sites for forts. So far as his choice is known, the Hobron, Schaefer, Pratt and Afong properties on Waikiki beach have been picked out for a battery site and part of the Dowsett-Dillingham holdings on Puuloa for a large fort. Lieut. Slattery admits that "things are doing," but declines to name localities. It is said that 1300 feet of beach front are wanted. The property named lies between the holdings of the Waterhouse estate and S. M. Damon.

On the Puuloa side of the Pearl Harbor channel the War Department proposes to take over about one hundred acres of land and in connection with the erection of the batteries will also establish a military post, subordinate to the main army post and headquarters to be erected at Kahauiki on the foothills near Moanalua.

There is another proposition for the additional defense of the Pearl Harbor naval works which involves the acquisition of land on the Honolulu side of Pearl Harbor channel, but the location has not been fully decided upon. The entire matter of acquiring sites for coast defenses is in the hands of Lieut. Slattery, Engineer Corps, United States Army, who is also the engineer officer attached to the United States Lighthouse District in Hawaii. For several months Lieut. Slattery has been engaged in watching the trend of real estate values both in the city and in the country, and ascertaining from every available source the market price of the several pieces of land involved in the proposed battery locations.

It is not known just the amount involved in the several transactions at Puuloa but it is believed to be in the neighborhood of \$70,000. The Waikiki property has a greater value in proportion to the area, being improved grounds and of additional value by reason of their being beach frontages. All property bordering directly on the beach at Waikiki is considered to have an added value to inlying property and it is possible the United States may have to pay well to obtain these choice locations.

At Puuloa there is a vast amount of unimproved property, but as one owner had originally platted the land for a townsite and had sold several of the lots at fair prices, a stiff figure has been asked for the property. The War Department's representative considers this price too high and negotiations are now pending to arrive at a figure satisfactory to both sides. As a last resort the Department would undertake condemnation proceedings to obtain the land, but does not desire to pursue this course.

It is understood that the War Department is anxious to close up the various deals so that the property may be available at any time in the future and ready for improvements necessary for receiving the great batteries facing out upon the sea and for transforming the flat area into a military post fully equipped with an arsenal, barracks, magazines, repair shops, offices, quarters for the officers, etc. This will adjoin the naval reservation where it is proposed to construct dry docks in the lochs, and all the vast number of buildings necessary to comprise a first rate naval base.

The numerical strength and range of the batteries is not known. This is one of the military and naval secrets which are not to be made public, but it is known that the defenses are to be constructed and manned so as to be able to keep a hostile fleet at least five miles distant from the entrance to Pearl Harbor.

The batteries at Waikiki are to have the same minimum range so that both the Puuloa and Waikiki defenses could prevent a fleet from maneuvering from off the mouth of the Honolulu harbor. When the department also erects batteries near the foot of Diamond Head the beach front of Oahu will bristle with the heaviest type of coast-defence guns.

## RUSSIA AND KUROPATKIN

ST. PETERSBURG, July 2.—It is reported that the Ministry of War has received a despatch from Gen. Kuropatkin, whose forces have been extended on the widest front, stating that he has given the commanders a rendezvous for concentration considerably to the north of their present positions. The Japanese commanders, Kuroki and Oku, are jointly pressing the Russians to prevent the execution of the plan.

The activity of the courtiers who have become Gen. Kuropatkin's critics has been increasing since his demand for three more army corps. The total force under Gen. Kuropatkin's direct command defending Liaoyang is 94,000, against 142,000 Japanese in the front line of attack, with great reserves. The disparity in the quantity and calibre of artillery is much greater.

LOOTERS AT WORK.

The reason given why Gen. Kuropatkin's request should be refused is that the raising of fresh corps immediately after the ordering out of the St. Petersburg, Moscow and Kharkoff corps would mean the choosing of older and untried reserves or depleting the barracks.

This suggests the real facts. Three months ago Gen. Kuropatkin ordered three reserves of horse and cavalry regiments, on which the rainy season in Manchuria had the same of

(Continued on Page 2.)







# HER HEAD OUT OF GEAR

## Fate of Christian Is In Court's Hands.

(From Thursday's Advertiser.)

Judge Gear took under advisement the marriage annulment case of Annie K. Kentwell, as next friend of the wife, against Albert Christian, the husband, defending, at 5:05 yesterday afternoon. Answering a question he stated that he would not require briefs, having noted the various authorities cited by counsel.

Rebuttal evidence by the complainant was concluded and both sides had closed their cases a few minutes after 12 o'clock noon. It was stated by the court that complainant had the privilege of opening and closing.

C. C. Bittling began argument for complainant at 2 p. m. and it was just 5 o'clock when M. W. Milverton concluded his address for respondent. Mr. Bittling asked if he might have half an hour in the morning to reply, as it was then an hour after the usual time of adjournment. Judge Gear was disinclined to allow so much time and then Mr. Bittling took about three minutes to say what he wished.

In his opening Mr. Bittling taunted the respondent with not having put Mrs. Christian on the stand, where peradventure she might have proved the claim of the Christians that she was intelligent. Mr. Milverton, answering this point, said that the woman was under charge and control of the Kentwells throughout the trial and, if they deemed her appearance on the stand important, they might have called her themselves. Mr. Bittling in reply had only to say that Mrs. Christian, was available as a witness all the time for the other side, and it would be stultifying to the complaining side to place on the stand a person whom it alleged was a mental imbecile.

### YESTERDAY'S EVIDENCE.

Mrs. Kentwell was the last witness. She wanted to give her evidence in her own way, and Judge Gear allowed her to run on in the face of several motions to strike out answers as "not rebuttal," or "immaterial," or "not responsive to the question." At the end most of her evidence was stricken out and that by consent of her attorney. What remained had reference to Mamie Christian's statements at the house of witness to the effect that Lizzie Hole was like an "animal" and a "beast," and that she could not sew with any skill, and that she spoiled a sack she tried to darn by sewing the hole up in a knot.

Mrs. Holt, mother of the plaintiff, gave evidence of the same talk of Miss Christian in Hawaiian. In the absence of the official interpreter, Isaac Sherwood was called in to act in that capacity. Under cross-examination the witness said the conversation was in English and she having caught the word "beast" asked for an explanation in Hawaiian, when the remarks of Miss Christian were explained to her by one of the women in Hawaiian. She understood some English but could not converse in it. The court joined in a general smile at the interpretation of one of Miss Christian's alleged remarks, which was that Lizzie's "head was out of gear."

Sister Albertina of St. Andrew's Priory (Episcopal) testified in the morning as to Eliza Holt's mentality while a pupil at that institution. She said the girl could not write and that it was found impossible to teach her music. Witness told of a visit Mrs. Christian paid to the Priory the previous day. On this occasion she heard her say nothing about the case in court. As she showed the girls her clothes she asked, "Don't you think I'm awfully pretty?"

Mrs. Christian's father was another witness called to rebut Miss Christian's testimony that he had conversed with Albert Christian about the marriage six months before the wedding. Holt's evidence was to the effect that Christian, eight months before the event, had asked his consent to the marriage and his reply was that Eliza was under guardianship and the guardian would have to be consulted.

### CORPORATION LAW TEST.

An answer and a demurrer have been filed by the Pacific Hardware and Steel Co. to the complaint of the Territory of Hawaii for an injunction against its continuing to do business in Hawaii. The defense set up is the same as that previously reported in connection with the company's motion to dissolve the temporary injunction which Judge Gear denied, the main point being that it is not a corporation subject to the Territory's law under which the suit is brought. In the demurrer the court's jurisdiction is denied. Holmes & Stanley have been associated with Castle & Withington for the defense.

### FORECLOSURE DECREE.

Judge Gear yesterday signed a decree of foreclosure in the suit of The First American Savings and Trust Co. of Hawaii, Ltd., vs. Mary Jane Montano and A. A. Montano. M. J. Montano is appointed commissioner of sale under a bond of \$200. The amount due on the mortgage is \$194.75 and the property consists of a piece of land

containing 7 1-2 acres in Manoa, Honolulu.

### COURT NOTES.

Chang Chan and sixteen others, doing business together under the firm name of The River Mill Co., give notice of building lien against Esther K. Goldstein for \$1487.56 upon two lots and a building in Kapiolani tract.

Judge Robinson has approved the final account of Sanford B. Dole, guardian of the Zaban minors.

### DOINGS THIS MORNING.

The injunction case of Territory of Hawaii vs. Pacific Hardware and Steel Co. comes up on its merits before Judge Gear this morning.

Judge Robinson will hear the proceedings taken by Attorney General Andrews for the disbarment of David Watson, attorney of the lower courts, on the ground of conviction of assault and battery upon his wife.

## HONOLULU VS. HILO IN WIRELESS CHESS

Following are the positions to date of the two chess games between Honolulu and Hilo:

### GAME A—RUY LOPEZ.

White, Honolulu.  
Moves.  
1. P-K 4.  
2. Kt-K B 3.  
3. B-Kt 5.  
4. B-R 4.  
5. Castles.  
6. P-Q 4.  
7. P-K 5.  
8. Kt-P.

Black, Hilo.  
Moves.  
1. P-K 4.  
2. Kt-K B 3.  
3. P-Q R 2.  
4. Kt-B 3.  
5. B-K 2.  
6. P-P.  
7. Kt-K 5.

### GAME B—QUEEN'S GAMBIT DECLINED.

White, Honolulu.  
Moves.  
1. P-Q 4.  
2. P-Q B 4.  
3. Kt-Q B 3.  
4. B-Kt 5.  
5. P-K 2.  
6. Kt-B 3.  
7. B-Q 3.

Black, Hilo.  
Moves.  
1. P-Q 4.  
2. P-K 3.  
3. Kt-K B 2.  
4. Q Kt-Q 2.  
5. B-K 3.  
6. Castles.  
7. P-Q Kt 3.

## KAUAI'S DELEGATES TO CONVENTION

From Lihue, Kauai, comes the detail of the recent nomination meetings of the Republicans. Delegate Kuhio was endorsed for renomination for Congress. The Sixth Precinct club held its meeting on Friday evening last. The club voted to instruct its delegates to the Territorial convention to vote for a county government plank in the platform. The nominations from Kauai were as follows:

Lihue—For District Committee: A. S. Wilcox, Senator S. W. Wilcox, W. H. Rice, Sr., and F. Mann. Delegates to Territorial Convention: W. H. Rice, Jr., C. W. Spitz, and J. H. K. Kaiwi.

Koloa—For District Committee: John P. Spaulding, Charles Wilcox, M. A. Rego, John Wilcox, C. E. Miller. Delegates to Territorial Convention: J. K. Farley, C. E. Miller, G. E. Wilcox.

Hanalei—For District Committee: W. D. McBryde, K. W. Kinney. Delegates to Territorial Convention: J. I. Silva.

Waimea—For District Committee: C. E. Smith, A. M. McLane, J. K. Kapulani, M. J. Pereira. Delegates to Territorial Convention: E. Blake, Jas. Dyson.

## GOOD GOVERNMENT GETS ANOTHER LIFT

Ex-Judge Humphreys' aggregation of "Good Government Club" voters held a meeting on Tuesday evening at their headquarters over the Brooklyn Saloon, and decided to use the club's influence to get a County government and to see that only citizen labor was employed on public works.

The club intends to be a "peace" organization in that no more meetings will be held until the conventions are over when the club will come forward and "endorse the best men."

J. M. Camara who had been elected as one of the vice-presidents has declined to serve with the club in any capacity. Camara stated some time ago that he intended to keep out of politics. An executive committee was named as follows: A. S. Humphreys, Paddy Ryan, J. G. Rothwell, Aleck Nicholas, Pat Walsh and Jim McCready.

SUMMER COMPLAINT is the children's most dangerous enemy and the mother's most dreaded foe. Immediate and proper treatment is always necessary. Chamberlain's Colic, Cholera and Diarrhoea Remedy, given according to directions is the most effective remedy known. For sale by all druggists and grocers. Hansen, Smith & Co., Ltd., agents for Hawaii.

## ACTING GOVERNOR TAKES STAND ON CITIZEN LABOR

### Complete Correspondence Between Supt. of Public Works and Executive Tell Story of a Hawaii Road Contract.

(From Wednesday's Advertiser.)

Acting-Governor Atkinson has taken a decided stand on the question of citizen labor on public works and insists that bidders shall employ only that class of labor on all government contracts. By yesterday's mail to Hawaii a letter went forward to contractor Whitehouse from Superintendent Holloway per instructions from the Acting-Governor, cancelling the permission originally given for the use of Asiatic labor on the Ooaka-Kukua Road. The matter was accentuated during the last week by Mr. Whitehouse who had appointed a Japanese foreman on the work.

"I take the stand that all contracts should be worked out by citizen labor," said the Acting Governor yesterday. "It's good business for the territory when you analyze the matter thoroughly. We have land for sale on Hawaii and Hawaiians want the land. We prepare to build a road to the locality and citizen labor should receive the government's money for doing the work."

"A few weeks ago land about Hanalei was surveyed to be taken over by Hawaiians. We have the money to build the roads and the Hawaiians, who have no money now to purchase the lands, can receive the work. They are paid by the government, and the Hawaiians in turn send the money back into the treasury when they make their land payments. That is what I call good business."

"My position is perfectly clear in this matter. I favor the employment of citizen labor, but if enough citizens cannot be obtained, then let the government and not the contractor, get the benefit of the difference in the wages of citizen and Asiatic labor."

"I have taken the whole responsibility in this matter and it is now up to the people of the island of Hawaii to carry it out."

The entire correspondence in the Ooaka-Kukua road matter is as follows:

Honolulu, T. H., July 7, 1934.  
Hon. A. L. C. Atkinson, Acting-Governor, Territory of Hawaii.

Dear Sir:—During our conversation of day before yesterday you asked me in regard to the employment of Asiatic labor by Mr. L. M. Whitehouse, contractor on the Ooaka-Kukua Road and for your information I would say that the specifications contained the following clause: "Contractors shall employ all citizen labor or eligible to become citizen labor that is available on this work." The members of the Road Board in the Hanalei district advised me before the advertising for tenders of this work that it would be impossible to secure sufficient citizen labor to carry on the work properly and I therefore have granted permission for the use of Asiatic labor. However, I am sure that all citizens who apply to the contractor and are willing to do a fair day's work will be given employment.

Yours respectfully,  
C. S. HOLLOWAY,  
Superintendent of Public Works.

July 8, 1934.  
C. S. Holloway, Superintendent Public Works, Honolulu.

Sir:—I beg leave to acknowledge the receipt of your communication of the 7th inst. giving me certain information about the Ooaka-Kukua road contract which has been let to Mr. Whitehouse for \$124,455. I note that the specifications contain the following clause: "Contractors shall employ all citizen labor or eligible to become citizen labor that is available on this work." I also note that the Hanalei Road Board advised you before you advertised for tenders that it would be impossible to secure sufficient citizen labor to carry on the work properly, and that you granted them permission to employ Asiatic labor. I must say that I distinctly disapprove of such action.

In this matter of labor on public work, I think the Government should advertise first on the basis of citizen labor, and then use every effort to compel the contractors to carry out such agreement. It is a well known fact that a contract carried out with citizen labor will cost more to complete. On the other hand if the contractor, who no doubt wishes to make all the money he can out of the contract, figures ahead on the basis of doing his work with Asiatic labor, he can thereby get an undue advantage over others who bid on the basis of citizen labor. Then again the question of settling the country with citizens comes up. If the Government does not encourage the citizens by giving them work, and at the same time gives such work to Asiatics, it tends to drive away citizens from the country districts, or rather does not encourage them to remain by giving them work to make a living.

I well understand that there are two sides to this question and that citizen laborers at times ask too much when and where they think they have a "chance." There is no doubt that if a trial is made and the effort fails in certain localities to get work done by citizen labor then the best policy, I believe, would be to ask for tenders again giving the privilege of using Asiatic labor. It savors too much of unfairness to grant permission for the use of Asiatic labor when the contract has been awarded on the basis of citizen labor.

I would therefore most respectfully suggest that that permission be revoked, and that if Mr. Whitehouse throws up the contract and finds it impossible to do it on the basis of citizen labor, then it should be again advertised and all contractors be given a chance to bid with the privilege of using Asiatic labor.

I have the honor to be, Sir,  
Your obedient servant,  
A. L. C. ATKINSON,  
Acting-Governor.

Honolulu, T. H., July 9, 1934.

Hon. A. L. C. Atkinson, Acting Governor, Territory of Hawaii.

Dear Sir:—I beg to acknowledge re-

ceipt of your favor of the 8th inst. in regard to the employment of non-citizen labor on the Ooaka-Kukua contract awarded to Mr. Whitehouse, he being the lowest bidder to submit a tender in conformity with the specifications.

After noting the position which you take in this matter, I feel that possibly you are not entirely familiar with all the conditions pertaining to the awarding of this contract, after careful consideration of which, I altered the clause in our standard specifications restricting the class of labor to be employed. Ordinarily we insert the following: "No Asiatic labor to be employed on or about the work."

I do not know whether you are aware that this work has been bid on previous to our last call for tenders, but offers were received on March 28th, 1934, from four contractors, viz., L. M. Whitehouse, Benton & Arioli, E. W. Barnard and Claus Johnson. The latter bid was entirely out of order and of the others two specified to use citizen labor so far as available and Benton & Arioli agreed to employ United States citizens only. The tenders were as follows:

Benton & Arioli, \$40,686.77; L. M. Whitehouse, \$14,000.00; E. W. Barnard, \$29,085.00.

As the appropriation was only \$15,000, I found it necessary to divide the work into sections to complete as much as possible with the funds available, but before re-advertising for tenders I investigated the question of labor very carefully, consulting with Mr. Gere, the Hawaiian Road Board, Mr. E. W. Barnard, who has built a number of roads in the district and resides in Hanalei, Mr. Howland, who is entirely familiar with the conditions on Hawaii and other persons well informed in the matter. The opinion was unanimous that it would be impossible to obtain citizen labor so I acted entirely in accordance with the law governing such matters as I interpret it, by simply requiring bidders to use all available citizen labor and I feel that this was to the best interests of the country at large.

You will see, therefore, that I have practically carried out just what you suggest in the second paragraph of your letter and I cannot see how the successful contractor secured any advantage over the other bidders on the second call for tenders. Furthermore he was not the lowest bidder, Mr. Barnard's figure being \$1500 lower, but his tender was thrown out on the decision of the Attorney General that it was not in order. The only other bidders were Benton & Arioli whose figure was \$13,449.89 as against Whitehouse's \$12,445, and I do not believe that there is any question but that all the contractors figured on using Asiatic labor. At the present time Benton & Arioli are using non-citizen labor on the Pahala-Volcano House contract although they are employing all citizens available and it has been clearly shown that it would be impossible for them to rely on citizens only.

The principal question involved in restricting Mr. Whitehouse from using Asiatic labor is now one of law inasmuch as his bid being in accordance with the specifications, the contract has been signed and his bond furnished, so I do not believe that we can restrict him from any of the privileges noted in the specifications without placing this department in the position where a permanent injunction could be obtained against awarding this work to any other person. Of course, if the contract had not been signed the matter would be entirely different and new tenders could be called for. I should think that it might be advisable to have the opinion of the Attorney General on the above question.

I feel quite sure that the contractor will employ all citizen labor available, providing applicants are willing to do a day's work without being allowed several hours to come and go from their homes during the eight hours which they are supposed to work, and I shall certainly instruct the inspector on the work to keep strict watch and report any failure to conform to the specifications. On future work I understand that you wish it distinctly understood that bids on citizen labor only will be considered irrespective of the cost of the work and I shall act in accordance with your instructions. Further action will be delayed in the matter of the labor on the Ooaka-Kukua work until I have had the pleasure of hearing further from you. I beg to remain,

Yours respectfully,  
C. S. HOLLOWAY,  
Superintendent of Public Works.

July 23, 1934.

C. S. Holloway, Esq., Superintendent Public Works, Honolulu.

Sir:—Your letter of July 9th, written in answer to my letter of July 8th, has been received. I beg leave to state that as we have had a number of conferences about the subject matter, I wish to conform my conversation with you.

I have had made a thorough independent investigation and find that there are citizens who are willing to work on the Ooaka-Kukua road construction and who were refused work by the contractor. I enclose a list of 50 names of American citizens, tax-payers and voters who are desirous of securing employment on said contract, who have signed their names thereto expressing said willingness. I also beg leave to state that one, Wm. Evans, who says he is willing to do any kind of work that is offered and is also willing to work on road work at current prices, was refused. I enclose his sworn affidavit to said facts. I note also that Mr. Whitehouse the contractor, has advertised in the Hilo papers that all citizens looking for pick and shovel work can obtain the same in the district of Hanalei between Ooaka and Kukua, during the construction of the new road, by applying to the foreman in charge. I am credibly informed that the foreman

in charge of this work is a Japanese citizen.

In view of these circumstances I do not believe that good faith has been shown by the contractor in this proposition, and I therefore believe that some steps should be taken to compel Mr. Whitehouse to use only citizen labor on this work. It is immaterial to me, if having entered into the contract and the specifications advertised did not give permission to the successful bidder to use Asiatic labor, the successful bidder is compelled to pay a few cents per day more for citizen labor. He has made his obligation, and should be compelled to carry it out or else forfeit his bond. I take it that if there are fifty men around Laupahoehoe who have signified their desire for work, there are fifty more who were not approached by the petitioner.

I want to see all public work accomplished by citizens, and it is only on extraordinary occasions that non-citizen labor should be used.

If I understand the facts rightly, I take it that the contract with Mr. Whitehouse was signed in accordance with the specifications, and that a bond was furnished in accordance with the terms and conditions of the contract, and I also take it that permission to use Asiatic labor was granted after the contract was signed and the bond furnished.

I do not for one moment consider the clause in the call for tenders that "Contractors shall employ all citizen labor or eligible to become citizen that is available, on this work," as giving permission to the successful bidder to use Asiatic labor. Such labor could only be granted as provided by Act 37 of the Laws of 1933, Section 1, which provides that "The Superintendent of Public Works shall have the power to issue permits and employ other than citizens until citizen labor can be obtained."

Now I think a sufficient showing has been made that citizen labor can be obtained. I also think that the permission to use other than citizen labor should be revoked.

I have the honor to be, Sir,

Your obedient servant,  
A. L. C. ATKINSON,  
Acting-Governor.

Honolulu, T. H., July 19, 1934.

Hon. A. L. C. Atkinson, Acting Governor, Territory of Hawaii.

Dear Sir:—I am enclosing herewith copy of a letter received from Mr. G. H. Gere in regard to the labor on the Ooaka-Kukua Road and you will note from the same that Mr. A. Horner has carefully investigated the charge that citizens cannot obtain work. Of course I am obliged to rely on reports from the Road Board as to conditions in the district, but as I understand that you have specified complaints with the names of the men who could not obtain employment, I should be very glad to refer the matter to the Road Board and, furthermore, should be pleased to arrange if possible for the appointment of an inspector on this work who would meet with the approval of the persons in Hilo objecting to the use of non-citizen labor in order that they may feel satisfied that the Territorial laws are being carried out. I beg to remain,

Yours respectfully,  
C. S. HOLLOWAY,  
Superintendent of Public Works.

Hilo, Hawaii, July 16, 1934.

Hon. C. S. Holloway, Superintendent of Public Works, Honolulu.

Sir:—Mr. A. Horner, for the Hanalei Road Board, has investigated the charge that citizens cannot obtain work on the Ooaka-Kukua contract and reports that no one has been refused work. That only one native has applied for work, even after being notified that work was there. I presume the Road Board will mail you a copy of his full report and I trust it may be given as much publicity as it deserves.

I had precisely the same experience two years ago in Hanalei. While someone, to me unknown, kept writing to Mr. Boyd that plenty of citizen labor wanted work and could not get it, I failed after repeated trials to get any of them to work. Statements that citizens cannot get to work, that are not signed by a reasonable party and that do not give names and dates, are not worth listening to.

Respectfully yours,  
G. H. GERE,  
Road Engineer.

July 23, 1934.

C. S. Holloway, Esq., Superintendent of Public Works, Honolulu.

Sir:—Since dictating last letter which was sent under this same date, referring to the Whitehouse Ooaka-Kukua road contract, I beg leave to acknowledge the receipt of your letter of the 19th inst., enclosing copy of a letter from G. H. Gere, in which the statement is made that Mr. A. Horner had carefully investigated the charge that citizens could not obtain work on the contract, and that no one had been refused work.

From information which I have, and which I feel is absolutely reliable, I must beg to differ with Mr. Horner of the Hanalei Road Board. It is immaterial what members of the Road Board say in this matter. What is material is that this contract was entered into on the basis of citizen labor, and it is now sought to take advantage of Asiatic labor, which will no doubt be a benefit to the contractor and a loss in wages to citizens. There are too many citizens idle at this time all over these Islands to justify the granting of the privilege of using Asiatic labor on public work, and I should only countenance it on very extraordinary occasions.

The question of referring the matter to the Road Board for further action is, no doubt, a good idea, but it does not change my attitude in the least that the privilege of using Asiatic labor should be withdrawn.

I do not think Mr. Whitehouse has shown good faith in the matter by having an Asiatic foreman in charge. Does he mean to state that there are no citizen huias who are available for this work?

In conclusion, I would request that you kindly take all steps to revoke the privilege which allows Mr. Whitehouse to use Asiatic labor.

I have the honor to be, Sir,

Your obedient servant,  
A. L. C. ATKINSON,  
Acting-Governor.

Honolulu, July 26, 1934.

Hon. A. L. C. Atkinson, Acting Governor, Territory of Hawaii.

Dear Sir:—I beg to acknowledge re-

## SHIPPING REPORTS

### Men of Many Nations Shipped At Honolulu.

The annual report of United States Shipping Commissioner B. Griggs Holt of this city covering the fiscal year ending June 30, 1934, has been completed. It is a detailed account of the transactions of the commissioner during the past year and is a mine of interesting information. The report shows that the business of the port is in a healthy condition, the number of men handled showing a substantial increase over the preceding year. The largest number of the men were shipped in sailing vessels but as the crews of such craft are necessarily larger than those of steamers calling at this port are through boats this does not signify that the latter class of vessels does little trade here.

Perhaps no other port in the world can show such a cosmopolitan array of seamen as Honolulu. The tribes scattered at the dispersion of Babel seem to have gathered again at the "Crossroads of the Pacific" which might as aptly be called "The Crossroads of the World." From frigid Iceland to sunny Italy, from the Philippines to Austria they come. Some were even born at sea. Native Americans however are far in the lead with the Japanese, British, Naturalized Americans and Germans following in the order named. It seems surprising in a port where there are so many Chinese that only one Chinese sailor was shipped but the workings of the immigration law keep the Chinese out of the trade.

Another noticeable feature of the report is found in the table of assignments of wages. At many ports a large portion of the wages of deceased seamen is allotted to their relatives but at this port the creditors got all the money except in one case, while during the preceding fiscal year in not one case was the money paid to relatives. A condensed summary of the report follows which without going into the minor details will suffice to give an idea of the scope of the Shipping Commissioner's work.

### SEAMEN SHIPPED AND RESHIP- PED.

	For'n.	Dom.	Ports	Ports	Total
In steam vessels.....	44	208	252		
In sailing vessels.....	465	657	1122		
	509	865	1374		

During the year 1932-3 there were a total of 1257 seamen shipped and reshipped.

### SEAMEN DISCHARGED.

In steam vessels.....	104
In sailing vessels.....	856

Total.....960

### FAILURES TO JOIN.

During the past year men signed but failed to join their vessels as follows:	
Foreign.....	1902-3 1903-4
Steam.....	0 2
Sail.....	21 56
Domestic.....	
Steam.....	1 3
Sail.....	36 27

### FOREIGN DISCHARGES.

One man was shipped in a steam vessel for discharge at a foreign port.

### ALLOTMENT OF WAGES.

To relatives.....	1902-3 1903-4
To creditors.....	0 1
	188 203

Total.....394

### AVERAGE MONTHLY WAGES.

The average monthly wages of seamen shipped in the American merchant marine from Honolulu is as follows:

### STEAMSHIPS.

	Asia	Coast. and Aust. Atlantic.
Able Seamen.....	\$3.35	\$25
Firemen.....	40	30.00
2nd mates.....	75	35.00
1st mates.....	90	40.00
2nd engineers.....	105	45.00
1st engineers.....	130	50.00

### SAILING VESSELS.

	Coast. Atlantic.
Boat seamen.....	\$33.44 \$25.00
Boatwains.....	35.00 30.00
Carpenters.....	45.00 35.00
Second mates.....	45.00 42.50
First mates.....	60.00 60.00

### NATIONALITY OF SEAMEN.

First mates . . . . .	40.00	33.95
Second mates . . . . .	45.00	42.50
First mates . . . . .	60.00	60.00

NATIONALITY OF SEAMEN.



# Hawaiian Gazette.

Entered at the Postoffice of Honolulu, H. T., Second-class Matter.  
SEMI-WEEKLY.  
ISSUED TUESDAYS AND FRIDAYS.

WALTER G. SMITH, Editor.

## SUBSCRIPTION RATES.

Per Month ..... \$ .50  
Per Month, Foreign ..... .75  
Per Year ..... 5.00  
Per Year, Foreign ..... 6.00

Payable Invariably in Advance.

A. W. PEARSON,  
Manager.

FRIDAY : : : : JULY 29

## FORTIFICATIONS COMING.

The news about the quest of fortification sites here by the United States government will be cheerfully received by everyone who knows what the building and manning of forts will mean to Honolulu.

For business reasons the agents of the Government have kept as quiet as possible, but it is now out that a fort is to be built and garrisoned on old Waikiki beach, taking in the residence sites of the Schaeffers, Holmstrands, Pratts and Afongs; and that Pearl Harbor will be defended by a fort at Puuloa. It may be presumed that the further recommendations of the Engineering board for defenses at Barber's Point, Diamond Head, Niu and the Pali will be attended to in turn.

This local development of the great scheme of insular defense which is being carried out with the same precision which marked the course of the Endicott defensive program on the mainland, means several good things for Honolulu. It shows that the naval development of Pearl Harbor has been settled upon; and in connection with the purchase of a large army reservation, that the Government means to keep a numerous garrison here. All this foreshadows a considerable outlay of money and a substantial increase of the white population. We are going to get back a good part of the money we are contributing to the support of the Federal government and add some hundreds of men to our purchasing population besides.

## COMPARATIVE STRENGTH.

Kuropatkin's talk about waiting for "overwhelming numbers" has been met by the landing, near Newchwang, of a division of Japanese. Here are from 15,000 to 20,000 men added to the armies of Oyama and when more are wanted they will be forthcoming. It should not be forgotten, when talking about "overwhelming numbers," that Russia can only assemble the number of men that a single-track railroad can supply with food and munitions of war, plus what grain can be got in an overpopulated and proximate Manchuria, while Japan can assemble an indefinite number of troops, close to the home base, supplied by a large fleet of transports—troops drawn from a larger population than the North and South together had during the American Civil War.

It is not to be supposed, while Japan holds command of the sea, that she will permit herself to be outnumbered by the Russians. She does not need to. There are today in the Japanese empire about 47,000,000 people and one in five is capable of bearing arms. But if we say one in ten, the number is 4,700,000 all of whom, either in school or in military drill and are brave and obedient. We assume that Japan could easily put 500,000 men into Manchuria, while experts say that Russia, deprived of supplies by sea, can only maintain about 250,000. Furthermore, man to man, the Japanese has proved himself the better soldier.

Numerically, therefore, the Japanese must have the advantage until, if the war proceeds that long, Russia double-tracks the Siberian railway. But long before that time there may be mediation with the tacit concurrence of both sides. Wars cost too much money to be permitted to drag on.

Paddy Ryan's piece club is not going to do all the work for good government. There is a rumor in the air that Kumalae is thinking about getting up a Civic Righteousness Club to take care of the grand jury martyrs and incidentally crush the grand jury system, the Federal charter to the contrary notwithstanding. Lon Agnew, Jack Weday and others of the gladiatorial fraternity have been mentioned as the heads of a proposed Sabbath Improvement Club, designed to elect only such high-minded men to the Legislature as may "subscribe" to the club's roll and liberalize our New England Sunday. Good men wanting the support of these organizations should make arrangements at once. Drafts, checks or cash will be received, but the clubs will not take stamps.

The writer of an excellent article in Frank Leslie's about a visit to Waikiki Beach, quotes just one paragraph from our Promotion literature, which happens to be the same and sole one used by Mackenzie in his letter to the London News. It is this: "No fogs, no hurricanes, no malaria, no sand-storms, no sunstrokes, no reptiles, no wild beasts, no typhoons, no tidal waves, no beggars, no poisons, no frosts." Those crisp data might well be incorporated in a magazine advertisement and thus given a wider publicity than the advertising folder enjoys.

There is one thing fairly certain about a county law in this overtaxed country: the number of people sick of it after a year's experience, judging from the number that got sick of the old law after a fortnight's try, will compare everybody but the job-shirkers.

A county law is a device by which the property-taxpayers pay more taxes for the sake of getting public jobs for five per cent of the treasury.

## CONTRABAND OF WAR.

The case of the Korea has served to promote the study of the relation borne by neutral commerce to the rights of belligerents. It appears that a neutral flag is no protection for a ship which is carrying supplies to combatants, though a belligerent must refrain from such interference with lawful commerce as is implied by the seizure or detention of mails and non-combatant passengers upon vessels on the high seas, even though they may be bound to a non-blockaded enemy's port. For example, the United States Government was free, during the Civil War, to pursue, capture or sink British blockade-runners but when on the high seas, it stopped the British mail steamer Trent and took off the Confederate commissioners and their papers. It was obliged to restore both and apologize. In the present war the Russians captured and condemned the British steamer Allenton without protest from London, the Allenton being in the contraband trade. It is the seizure of innocent neutrals and the sinking of neutrals that had a right to present their cases before a prize court which is making the trouble between Great Britain and Russia.

The attitude of the United States towards contraband of war was defined by President Roosevelt in his proclamation of February 11, 1904. In this declaration the President permits the citizens of the United States without restriction to manufacture and sell within the United States arms and munitions of war and other articles ordinarily known as "contraband of war." He, however, declares that they cannot carry such articles on the high seas for the use of service of either belligerents without incurring the risk of hostile capture and the penalties announced by the law of nations in that behalf. Export, therefore, of all doubtful articles and merchandise is not prohibited, but the protection of the flag is withdrawn from such articles if seized by either of the belligerent parties to the present war.

The term contraband of war comprehends only articles having belligerent destination, as to an enemy's port or fleet. With this explanation the following articles are, for the present, to be treated as contraband:

Ordnance; machine guns and their appliances, and the parts thereof; armor plate, and whatever pertains to the offensive and defensive armament of naval vessels; arms and instruments of iron, steel, brass or copper, or of any other material, such arms and instruments being specially adapted for use in war by land or sea; torpedoes and their appurtenances; cases for mines, of whatever material; engineering and transport materials, such as gun carriages, caissons, cartridge boxes, campaigning forges, canteens, pontoons, ordnance stores; portable range finders; signal flags destined for naval use; ammunition and explosives of all kinds; machinery for the manufacture of arms and munitions of war; salt-peter; military accoutrements and equipments of all sorts; horses.

Coal, when destined for a naval station, a port of call, or a ship or ships of the enemy; materials for the construction of railways or telegraphs, and money, when such materials or money are destined for the enemy's forces; provisions, when destined for an enemy's ship or ships, or for a place that is besieged, or for the army.

These are articles understood by the laws of nations to be either doubtfully or absolutely contraband of war, and such goods destined for either Russian or Japanese ports will not be protected by the American flag, but may be subject to seizure.

Generally speaking, therefore, munitions of war and whatever is essential to belligerents' support are contraband. Merchandise may become such when destined for port of equipment or for the support of an army.

In such latter event the exporter must take all such chances of seizure, and must protect himself, if at all, through war risk clauses in insurance policies.

Goods not included in either of the above categories of absolutely or conditionally contraband will be protected by the American flag where the goods are exported in merchant or other vessels of the United States.

Subject to this limitation as to war risk and the penalties involved in capture, there will be no prohibition upon the export of merchandise of any character whatever from American ports destined to either of the countries of Russia or Japan.

The cargo of the Korea is as follows:

15 bbls. flour, 2025 lbs. coffee, 360 lbs. lard, 27 pkgs. groceries and provisions, 1161 cs. canned goods, 325 lbs. raisins, 1295 lbs. dried fruits, 10,820 lbs. sugar, 454 lbs. hams and bacon, 20 bzs. fresh fruits, 39 pkgs. table preparations, 367 lbs. butter, 31 bales hay, 5 cts. corn, 15 cts. barley, 321 lbs. cheese, 864 lbs. chocolate, 8 cs. whiskey, 1323 gals. and 7 cs. wine, 5 cs. liquors, 602 lbs. and 2 cs. mill stuffs, 36 drums chloride calcium, 52 coils rope, 87 pcs. car material, 136 pcs. and 104 bbls. pipe, 901 rolls and 18 cs. paper, 28 pkgs. drugs and sundries, 468 lbs. soap, 296 cs. bicycles and sundries, 216 bbls. spice bars, 3 pkgs. paper, 81 pkgs. electrical goods, 17,000 lbs. tin foil, 11 cs. graphite, 259 pkgs. roofing material, 13 pkgs. agricultural implements, 3 bales hose, 50 bbls. wire, 116 cs. alcohol, 168,500 lbs. soda ash, 104 pkgs. rubber goods, 77 pkgs. paints and oils, 541,388 lbs. pig lead, 15,718 lbs. sheet lead, 354 pkgs. machinery, 1 horse, 12 bales dry goods, 10 bbls. tanning extract, 385,382 lbs. tan bark, 14 pkgs. typewriters, 571 bales compressed cotton, 1214 bbls. steel, 2482 pcs. angle iron.

This cargo is partly contraband.

## APPROPRIATION PROSPECTS.

While there is no likelihood that Hawaii will have good representation in Congress for some years to come, the interest shown by the Departments in Territorial needs points towards large appropriations. This interest has already shown itself in the text of a circular received by the Acting Governor, in which Secretary Hitchcock asks for statements as to what Federal appropriations are regarded as necessary during the next fiscal year. We may add, on the authority of a gentleman just back from the East, that Secretary Shaw also showed a lively interest in Hawaii's needs and complained that various suggestions he had caused to be made to the people of Hawaii through Delegate Kuhio had either been neglected here or the local public had not heard of them—the latter being actually the case. However, the Secretary still stood ready to do his share to recompense this Territory for its loss of customs and postal revenues.

With two such friends at court, an unimportant Delegate more or less need not count. By the help of the Departments several good things we need from Congress may be obtained. It is noticeable that the Department of the Interior specifies NECESSARY appropriations. Of these harbor improvements here and at Hilo and a complete lighthouse system speak for themselves. They are palpably necessary to commerce. For the Navy Department has decided to locate a dockyard there; hence Hawaii need waste no time in urging the expenditure of money on the locks. We shall get it anyhow. What remains are a new postoffice, a custom house, the necessity for which, if a debatable question, may be discussed with the Treasury and Postoffice Departments in the full assurance that the wants and wishes of this Territory will have a friendly hearing there.

## THE RESERVOIR QUESTION.

A correspondent who opposes the building of the Nuuanu reservoir asks whether it is possible that the Government intends to impound rain water there? He assumes that the reservoir, if supplied with such water, will become a breeder of sickness in the dry season.

We do not see that the new reservoir would have any different supply than the old ones upon which Honolulu now chiefly depends. Impounded valley water comes from the surrounding watershed and is all rain primarily, though a part of it sinks into the ground in one place and comes out in the form of a spring elsewhere, the supply depending, like that of the streams, upon the extent of the rainfall. Unmixed rain is to be preferred at any time on the score of purity to spring or brook water. It is the distillation of the clouds without a taint of earth salts; and the more of it all the Nuuanu reservoirs get the better. If everybody drank rain water by preference to any other kind they would live longer.

The complaint against another Nuuanu reservoir is not, however, disinterested. It reveals the presence of the old Pauoa job again. Says the writer speaking of the Booth tract expropriation: "If it is possible for the Government to obtain this water at the figure passed by the last Legislature, we will have a supply several hundred feet high, pure, and will run over the tops of all high buildings and meet the requirements of the increasing population for a long time to come."

How natural all that sounds. And is the price of this intermittent Pauoa supply, much of which has already been sold to two planters, still \$250,000 to the public and \$10,000 to the assessor?

## NO DANGER FROM CONGRESS.

The Garden Island need not worry. If Congress discovers that our courts can't find authority in the Organic Act for the establishment of American county government in Hawaii Congress will not be slow to give Hawaii an amended law that will eliminate doubts.—Bulletin.

Congress, in that case, will listen to the taxpaying and business interests, if they assert themselves; not to the appeals of taxpayers, grafters and would-be County printing rings. Few things would be better for this community than to have Congress take the matter up.

A fair-minded committee of either House, considering—

- (1) The small number of taxpayers in these islands.
- (2) The present high rate of taxation.
- (3) The impossibility of the people undergoing more taxation without making an enormous delinquent list.
- (4) The predatory instinct which shows itself behind the County enterprise.

Such a committee would, we believe, refuse to amend the Organic Act in the way proposed. The failure of local self-government in Hawaii is so notorious that Congress may be trusted not to give it any wider sphere of mischief.

Some inquiry has been made as to how Japan could have got regular news about the Vladivostok squadron far off Yokohama. It was not to have been had, of course, from shore observers, at 60 miles. The chances are that the Japanese employ swift scouting boats on the watch as they did in the Sea of Japan when the Hitachi and other transports were sunk. According to the Russian naval report that whole proceeding was watched by a small Japanese cruiser.

The Government is acting rapidly in the matter of local forts so as to be ready when Congress meets to get an appropriation. Lieut. Bluntly says that the land deals must be pushed to a finish within two months. He also states that Honolulu, when the defense plans are carried out, will be one of the best fortified places in the world.

## VON PLEHWE AND THE JEWS.

The world will not confer its sympathy upon Minister Von Plehwe, the Russian statesman who was killed yesterday by a bomb, any more than it did upon Governor Bobrikoff whom a Finn recently felled with a pistol bullet. It was Plehwe who became responsible for the massacre at Kishineff by refusing as Minister of the Interior to let the Governor General stop the killing. Three times he was appealed to but not until the mischief was done did he give a reluctant consent to the use of troops against the anti-Semites.

The policy to which Von Plehwe was committed he described last year as follows to a correspondent of the New York Jewish Journal:

The Russian Government is ever ready to support any effort that will eventually terminate the career of the Jewish race in this country. We want them out of here. It gave its official sanction to the Zionists in Odessa twenty-three years ago with the hope that through their efforts many Jews would emigrate to Palestine. It also encouraged the late Baron de Hirsch in his efforts to colonize Jews in Argentina, and of late it has looked with favor upon the present political Zionism and permitted its progress because it hoped that Zionism would help to solve the Jewish problem, which is causing the Government so much worry, by creating a center of attraction in Palestine whereto the Jews should emigrate.

But we can no longer countenance this movement, for we find that instead of centering all their efforts upon the colonization of Jews in Palestine, the Zionists have created a world-wide powerful purpose to strengthen their position in the land where they live and to thwart Russia in every possible way.

From the reports we receive of the Zionist activities we see that the acquisition of Palestine has been neglected entirely, and instead they are establishing trade schools and educational institutions to equip the rising Jewish generation with the proper means of defense against the hatred of their neighbors. But this is contrary to the Russian policy, whose intent it is to weaken the power of the Jews.

The Zionists have also by means of their organs stirred up the world against the Kishineff happenings, and yet we cannot guarantee against a repetition of the same "happenings" unless at least 1,500,000 Jews be taken out of Russia. The Zionists, instead of working toward this end, which would secure them against such calamities, are creating hostile feeling against Russia.

There was no way in Russia for the Jews to deal lawfully with Von Plehwe; no appeal from his decisions, no court where justice could be sought. Hence the bomb, which again emphasizes the saying that Russia is a despotism tempered by assassination.

The detention of the Siberia at Kobe cannot be accounted for on any other ground than that she has contraband merchandise billed from Hongkong to Yokohama, the latter port being her next stop from Kobe. If that is the case she will probably land her Yokohama stuff at Kobe for transshipment either by rail or by some local vessel which will sail when the sea-route becomes safe.

The little trip made by Skrydloff's ships to the entrance of the Inland Sea, seems to have cost them the Korea. It is either that or Captain Seabury's expert seamanship which has saved the big vessel.

## THEY ELOPED TWICE.

Mr. and Mrs. Adolph Henz, of Washington, have just been married a second time. In 1894 they eloped and were wedded in Rockville, Md. Six years later they disagreed and separated, a divorce following. Subsequently they saw a good deal of each other, and just before last Christmas became engaged again. The young woman's father did not look with favor on this proceeding, so they eloped again a few days ago, going to Rockville, where they were reunited by the same preacher.

## OVER THE TELEPHONE IN MISSOURI.

This conversation took place over the telephone line at Richmond: "Hello!" "Hello!" "Are you in?" "No, I'm not in yet." She hung up the receiver like hitting the box with a rock.—Richmond Missourian.

## GRIP CONVALESCENCE.

There's nothing better than Scott's Emulsion after the grip. When the fever is gone the body is left weak and exhausted; the nervous system is completely run down and vitality is low.

Two things to do: give strength to the whole body and new force to the nerves. Scott's Emulsion will do it; contains just what the worn-out system needs.

Rich blood, healthy flesh, resistive force, more and better nourishment are what Scott's Emulsion supplies to the convalescent.

Scott's Emulsion is the original and has been the standard emulsion of cod liver oil for nearly thirty years. Why buy the new, untried, cheap emulsions or so called wines, cordials and extracts of cod liver oil, when you can buy what is sure to help you?

We'll send you a sample for your name. Write to Scott's Emulsion Co., Ltd., London, England.

## LOCAL BREVITIES.

(From Wednesday's Advertiser.)

J. W. Cathart and wife were passengers on the Kinau yesterday.

John Riley leaves on the Alameda today. He is called to the coast by his sister's illness.

Queen Liluokalani and party departed yesterday on the Kinau for Hilo to remain for a few weeks.

James Mitchell, a well known citizen of Honolulu in former years died at the Asylum Monday of apoplexy.

Clear titles were issued by the Torrens Land Court to Matilda Agnes Riedel and Ida Tenney Castle.

T. F. Senack, in charge of the U. S. Weather Bureau at Lewiston, Idaho, will soon arrive as assistant observer here.

Murata, who was arrested several days ago for selling liquor without a license, was discharged yesterday by Judge Rawlins.

E. A. Fraser of Mahukona says that West Hawaii will demand a County Government plank in the Republican platform.

Mr. and Mrs. S. G. Wilder and family, were among the passengers on the Kinau. They will remain on Hawaii for a few weeks.

W. A. Bissell, the Western Traffic Manager of Santa Fe accompanied by his wife went on the Kinau to the Volcano yesterday.

A. A. Braymer has been given a position on the clerical staff of the Acting Governor, to assist Secretary Buckland in the coming election work.

Miss Alice Campbell, Miss Irene Dickson and Miss Juanita Beckley formed a party of young people which left for Hilo yesterday on the Kinau. They may go to Mana.

Miss Edna Kelley and Mr. Ranne Scott were married quietly yesterday forenoon at the residence of H. M. Whitney, Pikoi street, by the Rev. H. H. Parker. They departed on the Kinau to spend their honeymoon on Hawaii.

Mrs. J. W. Leonhart, wife of the bookkeeper at Pauulu, Hawaii, is in the city. She will sail on the Mlowera tomorrow on a six months' visit to her old home in Warren, Pennsylvania, not leaving out a few days at the St. Louis Exposition.

The commission of Ben H. Brown, as a member of the Board of Registration for Hilo, Hamakua and Puna, was revoked by the Acting Governor yesterday, information having been received that Brown was convicted on charges of larceny in May, 1904. The revocation was in accordance with provisions of the Organic Act.

George Osborn, engineer at Kukaia Mill for years, and a well known writer on economic and scientific subjects, came down on the Kinau Saturday on a well-earned vacation, which will include a visit to the Louisiana Exposition at St. Louis, where he intends to pick up any new ideas in machinery and engineering that he may find.

(From Thursday's Advertiser.)

E. Gennan was in the police court charged with the murder of U. S. Harris June 30. His case was continued. Jack Weday was fined \$5 and costs for violating a Porto Rican girl.

Superintendent of Public Works Holloway will advertise for bids for the work on the new Alakea street docks in about two weeks. The plans and specifications are nearly complete and the old Mall wharf will soon be a thing of the past.

Official notice is given today of the opening session of the Court of Tax Appeals for the First Judicial Circuit, which will be at 1:30 p. m. on Monday next in the Tax office, Judiciary building. The members of the court are: Theo. F. Lansing, J. R. Galt and J. F. Brown.

Eugene McPhetridge, of the Quartermaster's office, U. S. A., yesterday waived examination before Commissioner A. F. Judd and took his commitment for trial on the charge of smuggling cigars. He was released upon furnishing a bond in \$2000, to which his bail had been reduced.

J. A. McCandless was out yesterday after some weeks of illness.

An experimental shipment of pineapples to New York made by Edgar Henriques arrived in good condition.

Tax Collector Holt allows Monday as a day of grace for income tax returns, on account of the 31st of July falling on Sunday.

Financial relations between Olaa plantation and the Hilo railroad are ended, but hauling contract arrangements continue between the companies.

The most prominent feature announced in advance of the Home Rule Territorial Convention in Honolulu next Monday is a continuous performance luau.

The ex-English Consul, Mr. W. R. Hoare, and Miss Hoare, who have delayed their departure for England, have taken apartments at the Royal Hawaiian Hotel, where they were registered yesterday.

High Sheriff Brown is vigorously following up the cases of swindling of Japanese intending emigrants by some of their fellow-countrymen, who collect passage money from them without securing passage for them.

E. G. Keen, inspector of buildings, plumbing and house sewers, is seriously ill at his home in College Hills. He was given leave of absence from his duties by the Board of Health a few weeks ago, he providing a substitute.

Arthur Berg, of Bishop & Co.'s insurance department, has been appointed by Superintendent of Public Works C. S. Holloway as a member of the Board of Fire Commissioners. The appointee is one of the most valued members of the Board of Surveyors.

CHOLERA Morbus has lost its terrors in the home where a bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy is kept. It never fails even in the most severe and dangerous cases. For sale by all druggists and dealers. Beware of cheap imitations.

# Peculiar To Itself

In what it is and what it does—containing the best blood-purifying, alterative and tonic substances and effecting the most radical and permanent cures of all humors and all eruptions, relieving weak, tired, languid feelings, and building up the whole system—is true only of

## Hood's Sarsaparilla

No other medicine acts like it; no other medicine has done so much real, substantial good, no other medicine has restored health and strength at so little cost.

"I was troubled with scrofula and came near losing my eyesight. For four months I could not see to do anything. After taking two bottles of Hood's Sarsaparilla I could see as well as ever." SUSAN A. HARRISON, Withers, N. C.

Hood's Sarsaparilla promises to cure and keeps the promise.

## BUSINESS CARDS.

H. HACKFELD & CO., LTD.—General Commission Agents, Queen St., Honolulu, H. I.

F. A. SCHAEFER & CO.—Importers and Commission Merchants, Honolulu, Hawaiian Islands.

LEWERS & COOKE.—(Robert Lewers, T. J. Lowrey, C. M. Cooke)—Importers and dealers in lumber and building materials. Office, 414 Fort St.

HONOLULU IRON WORKS CO.—Machinery of every description made to order.

## HONOLULU STOCK EXCHANGE.

Honolulu, July 28, 1904.

NAME OF STOCK	Capital.	Val.	Bid.	Ask
<b>MERCANTILE.</b>				
C. Brewer & Co. ....	\$1,000,000	100	.....	800
<b>SUGAR.</b>				
Kawa ..... 5,000,000	20	19 1/4	20	
Haw. Agricultural ..... 1,500,000	100	.....	.....	
Haw. Com. & Sugar Co. .... 2,312,750	100	.....	.....	
Hawaiian Sugar Co. .... 2,000,000	20	.....	.....	
Honoum ..... 750,000	100	.....	.....	
Honokaa ..... 2,000,000	20	.....	.....	
Haiku ..... 500,000	100	.....	.....	
Kahuku ..... 500,000	100	.....	.....	
Kihikihi Plan. Co., Ltd. .... 2,500,000	50	.....	.....	
Kipahulu ..... 100,000	100	.....	.....	
Koloa ..... 500,000	100	.....	.....	
Maui Sugar Co., Ltd. .... 3,500,000	100	.....	.....	
Oahu Sugar Co. .... 1,000,000	20	.....	.....	
Okaloa ..... 500,000	20	.....	.....	
Olaa Sugar Co., Ltd. .... 5,000,000	20	.....	.....	
Olowalu ..... 150,000	100	.....	.....	
Pasahau Sugar Plant. Co. .... 500,000	50	.....	.....	
Pacific ..... 500,000	100	.....	.....	
Pala ..... 750,000	100	.....	.....	
Pepeekeo ..... 750,000	100	.....	.....	
Pioneer ..... 2,750,000	100	.....	.....	
Waialua Agri. Co. .... 4,500,000	100	.....	.....	
Waialua ..... 700,000	100	.....	.....	
Waipahoehoe ..... 250,000	100	.....	.....	
<b>STEAMSHIP CO.</b>				
Wilder S. S. Co. .... 500,000	100	.....	.....	
Inter-Island S. S. Co. .... 800,000	100	.....	.....	
<b>MISCELLANEOUS.</b>				
Haw. Electric Co. .... 500,000	100	.....	.....	
H. R. T. & L. Co., Ltd. .... 1,000,000	100	.....	.....	
H. R. T. & L. Co., Ltd. .... 1,000,000	100	.....	.....	
Mutual T. & L. Co. .... 150,000	10	.....	.....	
O. R. & L. Co. .... 4,000,000	100	.....	.....	



# MAINLAND AGENCIES

## The Case of Hays Before Gear's Court.

The important case of Territory of Hawaii against Pacific Hardware & Steel Co. and its manager, T. A. Hays, was heard by Judge Gear yesterday. Deputy Attorney General Emil C. Peters conducted the case for the Territory, and Castle & Withington and Holmes & Stanley that for defendants.

A. J. Campbell, Treasurer of the Territory, was the first witness called, testifying to his correspondence with defendant Hays and Castle & Withington which led up to the proceedings. Robert Catton of Catton, Neill & Co. and E. O. White of E. O. Hall & Son gave evidence of transactions the defendant company through Hays had from time to time had with their firms. The Hall corporation had besides acted as agent of financial agent for the Pacific Hardware & Steel Co., honoring its drafts to the amount of about \$375 a month whether it owed the defendant company anything or not. This saved exchange.

Several other witnesses connected with hardware concerns had been subpoenaed by the Territory but were not called.

Archibald A. Young, vice-president of the Alexander Young Building Co., testified to various leases of office rooms in that building. Originally they were made out to the Pacific Hardware & Steel Co., but on July 26, or since this suit began, a lease to the company was canceled and substituted by one to Hays personally. The premises had been occupied in the name of the defendant company for two years and seven months.

T. A. Hays was the sole witness for the defense. His statement, "I am simply a traveling man," was objected to by Mr. Peters and the objection sustained on the ground that the statement was a conclusion of the witness.

"Tell in a simple way the nature of your business," Mr. Withington suggested to Mr. Hays.

"It is easy enough to do if I am only allowed," the witness answered. He went on to testify that he received orders for goods and forwarded them to San Francisco. "I have nothing further to do with the goods," witness went on; "they come here direct to the consignees. I simply receive the orders. These orders have to be examined by our credit man before they are filled. I use the office in the Young building for displaying samples."

Witness said the merchants did not voluntarily go to his office to see the samples, but had to be solicited to go there.

Mr. Peters asked the question, but withdrew it under objection, if it was true that an officer of the company had written to witness calling attention to what was deemed a small amount of business and intimating that if it were not improved another man would be sent to Honolulu.

It was asked whether there were any customers in the Territory whose business witness had not solicited within the past twelve months, and if so of what class were such customers. Mr. Hays answered that he was only looking for responsible customers.

Mr. Peters opened argument with an array of authorities shortly before the noon recess and resumed at 2 p. m. spoke for more than an hour. Mr. Stanley then replied for the defendants. Mr. Withington follows this morning, after which Mr. Peters will close for the Territory.

The case is of great importance to the Territory, upon it hinging the question of whether or not, under existing or future legislation, large commercial concerns on the mainland may establish agencies in this Territory, immune from taxation and municipal control while competing with local houses that pay all sorts of taxes and employ large numbers of taxpayers.

The Hawaiian Act of 1903, under which this case is brought, was copied word for word from the Pennsylvania law, which has been found constitutional by the Supreme Court of the United States.

### LOW'S AMENDED PETITION.

As directed by Judge Gear, for condition of having the case heard on the merits, J. S. Low yesterday filed an amended petition for the removal of A. W. Carter as guardian of Annie T. K. Parker, a minor, and as manager of the Parker Ranch. The first amendment consists in having the complaint drawn in the name of the minor, suing by Mr. Low as her next friend. Only the skeleton of the original petition remains, it being built upon by specifications of the alleged "mismanagement" of Mr. Carter and of "irreparable injury" to the minor's estate if he is continued as manager. There is a lugubrious category of waste of animal life on the Parker Ranch, through alleged bad management, careless practices, etc. Neglect of buildings, fences, implements, etc., causing all manner of waste, is also asserted. Personal charges are laid against F. W. Carter in whose hands the manager reposes the practical charge of the ranch. Quite a new ground is stated when it is represented that A. W. Carter's large interest in the ranch of the American Sugar Co. on Molokai clashes with the interests of the Parker Ranch. One of the charges against the practical management is that rounding up days on the ranch are made gala occasions, when cruel modes of lassoing are alleged to be practiced as if rare sport.

### PETTY ATTORNEY DISBARRED.

Judge Robinson, in the matter of David Watson, a practitioner in the district courts and before the circuit judges at chambers, after hearing yesterday ordered:

"Let the prayer of the petition be granted, and let the license heretofore issued to the respondent be and the same is hereby revoked and canceled."

W. C. Achi, for the respondent, noted an exception to the ruling of the court. Loren Andrews, Attorney General, appeared for the Territory.

The ground of disbarment was that the respondent on March 3, 1903, committed the offense of assault and battery upon his wife, Louisa Watson, for which he was indicted September 30, 1903, and before Judge Robinson and a jury on February 9, 1904, was convicted of the offense and thereafter sentenced to pay a fine of \$100. He took exceptions but failed to perfect his appeal and on July 21 paid his fine.

His defense to the disbarment proceedings was that he paid the costs and did all in his power to perfect the appeal, and if the exceptions were not properly perfected it would be the fault of his attorney; that the case of assault and battery was not an offense, and "that said offense was committed before the license was issued to the respondent," and "that assault and battery is not a gross misconduct on the part of respondent by law."

### CARTER ESTATE ORDER.

Judge Robinson yesterday signed an order dismissing the petition of Edgar Henriques, guardian of the minor children of Margaret V. Carter, deceased, for the appointment of Henry W. Kinney as administrator pendente lite of the estate of deceased, and on the court's own motion appointing Jessie K. Kaee as administratrix pendente lite of the estate under bond of \$3500. The pending litigation in question is Mrs. Kaee's appeal to the Supreme Court from an order of February 8, 1904, removing her as executrix. Mrs. Kaee is required by the order to file a supplementary inventory within thirty days, also an account of all her transactions as executrix up to and including February 8, 1904.

### SALE CONFIRMED.

Judge Robinson confirmed the sale of real estate by Virginia Gomes, executrix of the estate of Francisco Gomes Capelha, deceased. One of the three lots described in the order of sale was sold to Wilhelm Wolters for \$2500, which the court finds was not disproportionate to the value, while it is sufficient to pay the debts of the estate.

### COURT NOTES.

The von Hamm-Young Co., Ltd., by its attorneys, Thayer & Hemenway, pleads to the writ of error of Young Hin and others against itself and Honokaa Sugar Co., Ltd., that there is no error in the record and proceedings before District Magistrate Henry Hall of Hanalei in a case wherein plaintiffs in error were defendants, this plea was plaintiff and the Honokaa Sugar Co. garnishee.

D. H. Lewis by his attorneys, Holmes & Stanley, answers the complaint in assumption of Harry E. Murray with a general denial, adding that he intends to rely upon the defenses of release and payment.

## RUSSIA AND KUROPATKIN

(Continued from page 1.)

with both hands in the old way.

### CZAR IS MELANCHOLY.

The only factor that disturbs him is the mood of the Emperor himself. He remains at Peterhof secluded and depressed, in a state that comes near chronic melancholy. Gen. Kuropatkin has become markedly taciturn since the attempt of Admiral Alexeff and the Grand Dukes here to force his hand to attempt the relief of Port Arthur.

The Emperor's occasional meetings with his ministers and military advisers are now of the most cheerless kind. The interchange of encouraging and reassuring telegrams which had been constant until the Wafangkou fight have now ceased. The Emperor's mood is one which by itself might compel him to take sensational steps to secure peace, but everything points to circumstances being stronger than himself, and the war is following the appointed course.

### EFFECT OF THE RAINY SEASON.

A staff officer who knows Manchuria furnishes the Russki Invalide a graphic description of the rainy season, which has just commenced. He says a great rise in temperature comes with the rains and the combination produces the effects of a vapor bath. Breathing is difficult, transpiration acts badly and cases of congestion are frequent. The all-pervading humidity spoils produce rapidly and a mould covers everything. Boots, particularly, are soon destroyed. The flooding of rivers makes the roads impassable and creates a great number of swamps, which foster unhealthy miasms. The rains, which are heavy at the end of June, are worse in the second half of July, and are followed in August by a sensible degree of dryness. Deluges of rain are only occasional.

### Palolo Fire Aftermath.

The Palolo Heights fire drew the attention of Forester Hosmer to the section yesterday, and an examination was made as to the area burned over. Mr. Hosmer found that the fire had burned to the edge of the forest reservation and only a few trees were damaged. Luckily the fire had burned itself out when the forest was reached. A. F. Cooke of the Palolo subdivision called on High Sheriff Brown to ascertain whether any charges were to be preferred. The High Sheriff said the matter was merely under investigation. Mr. Cooke states the damage is not so great as has been stated to the Acting Governor and other officials.

### Investigated Forest Line.

Forester Frank Hosmer recently returned from Hilo where he went to investigate the Hilo district with a view to establishing a forest line. He interviewed many people in the district, saw plantation managers, went over much of the country, visiting places where it was suggested the line might be drawn, and returned to Honolulu to compile his report. This will be presented to the Board of Agriculture and Forestry in a short time.

# STRAUCH COMBINATION SEEKS INCORPORATION

Allows Itself No Capital But Would Handle \$300,000 in Property—Provision for Manager and Salaries Almost Without Limit.

Out of several weeks of agitation amongst the contract-holders of the Co-operative Home Purchasing Society, moved to action by the Advertiser's exposure of the flimsy nature of their security, there has been evolved a reorganization of the concern under a charter that the Treasurer of the Territory is requested to grant. At the same time a number of the contract-holders stand out, holding that the reorganization was not effected in an aboveboard manner. They have entered a protest with the Treasurer, which has been attached to the charter documents submitted to the Attorney General—as all applications for charters under the general law are—for his scrutiny.

On the face of it the draft of charter and by-laws looks curious, in the same way as would the play of Hamlet with the part of the melancholy Dane omitted, from having no mention of the founder of the Co-operative Home Purchasing Society, P. E. R. Strauch, anywhere in the documents. A clue to the reason for this omission of the kingpin of the organization as it has existed may be found in the by-laws where the office of manager is created, which clue will be found developed in an interview with Mr. Moss, one of the protesters, below. By a skilful imitation of machine politics the reorganizers, it would appear, have looked after the progenitor of the institution.

A feature of the plan of reorganization, indeed, which stands out like a raisin on a bun is the wide scope allowed for providing salaries for officers. In that respect it vies with the defunct County Act.

What seems like another wonderful peculiarity is the privilege sought of handling property to the value of \$300,000 without any capital stock as a basis of transactions at either the beginning, the middle or the end of the jubilee term set for the Society's corporate existence.

To do the charter justice, attention may be called to the protecting clause of the by-laws for the benefit of the holders of the original contracts, those designated as "Series A."

Below are printed the application for the charter with the attorney's letter of submission, the protest of the dissident contract holders and a summary of the salient points of charter and by-laws, together with a revelation by Mr. Moss of the proceedings of the reorganizers.

### THE ATTORNEY'S LETTER.

The following submission of the charter, etc., is made by Attorney Dickey on his professional letter paper:

Honolulu, T. H., July 27, 1904.

A. J. Campbell, Esq., Treasurer, Territory of Hawaii.

Dear Sir: I enclose herewith a petition for a charter for The Co-operative Home Purchasing Society of Honolulu, and with it a draft of charter proposed and copy of proposed by-laws.

Yours respectfully,

LYLE A. DICKY.

### PETITION FOR CHARTER.

To the Honorable A. J. Campbell,

Treasurer of the Territory of Hawaii:

We the undersigned, J. A. Akina, S. K. Oili, J. J. Mathews, M. W. Tschudi, L. K. Kakani, S. N. Lukua, L. K. Sheldon, W. Kameana Luther, M. F. Souza, J. P. Kahanaui and W. K. Kelle, residents of Honolulu, Island of Oahu, Territory of Hawaii, pray for a Charter of incorporation for ourselves and our associates as a body corporate under the name of the Co-operative Home Purchasing Society of Honolulu.

The objects and aims of this corporation are:

To encourage industry, frugality, homebuilding and savings among its members, to accumulate the savings of members and enable them to obtain homes and the use thereof by making small payments in monthly instalments by co-operating with each other and to that end, and to loan such savings to members only, for the purchasing of real estate for homes for members, for making improvements and repairs to the homes of members and removing incumbrances from the lands of members, and for the repayment to members of their savings.

We do not desire that said corporation shall possess any power to have

or to issue shares of capital stock.

We present herewith a draft of a charter in conformity with our prayer, and a copy of by-laws which we propose to adopt in case a charter is granted us.

Yours respectfully,

(Sgd.) JOSEPH A. AKINA (and the other applicants named above).

### THE CHARTER.

By the terms of the charter submitted for granting by the Treasurer, with the consent of the Governor, the applicants already named are constituted a body corporate, for a term of fifty years, to sue and be sued, to make and use a common seal and alter the same at pleasure; to hold, purchase and convey such real and personal estate, and no other, not exceeding the amount of \$300,000.00 including therein shares in other corporations, as the purposes of the corporation shall require, and to mortgage the same to secure any debt of the corporation; to make by-laws not inconsistent with any existing law for the management of its property, the election, control and removal of its officers, the regulation of its affairs and transfer of its property, and may alter and amend the same at pleasure for the management of its affairs and property, etc.

There shall always be a president, secretary and treasurer of said corporation, on any one of whom service of legal process shall be deemed to be legal service upon the corporation, and said officers shall be residents of Honolulu, Territory of Hawaii. The names and residences of all officers of the corporation shall always be kept notified to the Treasurer of the Territory of Hawaii, and a copy of all rules, regulations and by-laws and all amendments thereof shall be filed with the Treasurer within fourteen days after their adoption.

# ALLEGED PERJURIES BEING INVESTIGATED

By direction of Acting Governor Atkinson, Attorney General Andrews has begun an investigation of alleged perjuries in the Hall case. This is an outcome of the Albert Christian annulment of marriage case now under submission with Judge Gear.

A man named Hall, many will remember, stood two trials in Honolulu on a criminal charge. On the first occasion a hopelessly divided jury caused the entry of a mistrial, while on the second the defendant was acquitted. So positive was some of the evidence against him that public opinion was divided on the question of his innocence or guilt. One phase of the proceedings which bent people in Hall's favor was his calm and manly bearing throughout the severe ordeal, together with his sustained attitude of innocence and many circumstances in evidence liable to produce a reasonable doubt of guilt.

The Christian trial has brought out evidence of a conspiracy to convict Hall, with the object of screening the really guilty person. A witness swore positively that the weak-minded prosecuting witness in the Hall case told her, before Hall was brought to trial, that another man and not Hall was the culprit. The alleged imbecile further informed her that the evidence she gave at the trial was dictated to her beforehand.

Such a divulgence is regarded by the Acting Governor as demanding a rigid investigation, so that if the forms of justice were degraded to blacken the name and prospects of an innocent man the authors of the outrage should receive due punishment.

"And provided further," the charter reads, "that no power is granted by these presents for the said corporation to have or to issue shares of capital stock."

### THE BY-LAWS.

An elaborate code for government of the Society is provided in the by-laws. The officers shall be a president, a vice-president, a secretary, a treasurer and at least seven members as a board of trustees, these eleven officers constituting the board of directors. Besides a provision is made for a manager, an attorney and agents, these last having the capacity of instructors to new members. The manager nominates the agents and acts by direction of the board of directors.

Officers shall serve for one year and it shall be within the power of the board of directors to fix such salaries for the officers as they may decide to pay. Nomination and election of officers take place at the annual meeting in July.

The directors must meet once a month, while the trustees are required to meet at least once every week and as often as required for such business as shall come before the board.

All legal documents shall be signed by the president, secretary and treasurer, who shall act jointly as the executive officers of the Society.

Officers may resign in writing or be removed for good cause by a majority of members at any regular meeting or a special meeting called for the purpose. No officer resigning can vacate his office until his successor is elected.

The directors can bind the society to any act only by a two-thirds vote of the board. They shall not accept any security and lend the Society's funds thereon, except by the consent of a two-thirds vote of the board. When in the judgment of the board of directors it is deemed advisable, they may borrow money temporarily to facilitate loans, in such manner as they may from time to time determine.

"Any person who has made an application for one or more contracts on which the application fee has been paid, having signed the by-laws and obligated himself or herself by them and such other rules and regulations as may be adopted, shall be a member, if approved and accepted at the Home office." Contracts of minors shall be held in the name of guardian or trustee.

The benefits accruing to the contract-holders shall begin in their numerical order after the fulfillment of like contracts of lower numbers, and according to the plan of co-operation as set forth in the co-operative contracts of the Society of the different series.

Provision is made for issuing new series of contracts, "but nothing in this article shall be construed to alter any of the Co-operative Contracts Series 'A' heretofore issued by the Co-operative Home Purchasing Society."

### THE PROTEST.

Honolulu, T. H., July 27, 1904.

Hon. A. J. Campbell, Treasurer.

Dear Sir: We the undersigned citizens and contract (or share) holders of the Co-operative Home Purchasing Society hereby protest against your giving a charter to Joseph A. Akina, S. K. Oili, J. J. Mathews, M. W. Tschudi, L. K. Kakani, S. N. Lukua, L. K. Sheldon, W. K. Luther, Mr. Souza, Jno. P. Kahanaui, W. Kelle, under the title of the Co-operative Home Purchasing Society of Honolulu on the grounds that the charter will be misleading and we believe is intended to create confusion with the contract holders of the Society in which we the undersigned are interested.

"Hoping that you may see your way clear to grant our request. We are,

Your obedient servants,

ROBERT CLARK,

W. B. MOSS,

J. K. APIO,

MRS. MAGGIE APIO,

MRS. KUIKELANI by S. Mahelona atty. in fact,

BERNARD KELEKOLIO.

### A SHAREHOLDER PROTESTS.

W. B. Moss of this city, who is a shareholder in the Strauch society and who is the leader in the filing of the protest, gave an Advertiser reporter the following story of the proceedings of the association during the past few weeks:

"I am a contract holder in the Co-operative Home Purchasing Society and was informed that there was to be a meeting of the shareholders about July 10 for the purpose of talking over the plan of reorganization and of taking over the business of the Strauch partnership. I went to the meeting. At this session a temporary chairman was elected and various members, including myself, made remarks. Mr. Strauch suggested that, as there seemed to be a lack of confidence in the present administration, it would be well to reorganize on the plan of a Building and Loan Association and that the whole business of the society be turned over to the new officers to be elected.

"This seemed to meet with general approval and it was voted that a committee of three be appointed to draw up a set of rules and regulations for the new society and that another committee of three be appointed to investigate the books and report to the association. I was appointed a member of the rules committee. A time was set for the next meeting the following week and the secretary was instructed to notify the shareholders of the meeting time.

"The rules committee had their rules ready for the next meeting, which was to be held in Mr. Strauch's office, but when the time came there were fifty present in the little office and there was so little room that it was decided to adjourn to meet in a larger hall whenever such a place could be secured. Waverley hall was secured and the meeting time set for the eighteenth of July.

"At this meeting the new by-laws were taken up. I suggested that the first thing that ought to be done was the reading of the report of the committee appointed to investigate the books, as we ought to know what we were taking over before we took it over. I called for this report three times, but the chair refused to recognize my request. Then the society pro-

# BUILDERS AND TRADERS

Several Important Questions Were Up.

The Builders and Traders' Exchange met at their rooms last evening. There was a very small attendance although there was a good deal of business to be transacted. The first order was the report of the committee appointed to wait upon the Superintendent of Public Works in regard to the matter of segregating the contracts for different items in the construction of public buildings. The committee reported that the Superintendent was willing to segregate the contracts for the construction of the Insane Asylum and the new Normal School.

The committee also recommended that the contracts be divided as follows:

- (1) Brick and Concrete work.
- (2) Carpenter work.
- (3) Plastering work.
- (4) Sheet Metal work.
- (5) Plumbing work.
- (6) Electrical work.
- (7) Painting work.

After discussion the report was adopted with the amendment that plaster and cement ornamental work be made a separate class. Members of the exchange expressed the opinion that this segregation of contracts was a long step in advance and that it would tend to keep work in Honolulu.

The next item of business was the discussion of a substitute set of rules for the Financial Information Bureau of the exchange. This brought out a lively argument, some of the members contending that the Exchange was getting to be a mere collection again while others feared that the introduction of outsiders as members of the Bureau would cause friction. The report was finally laid on the table. It was then moved and seconded that the president appoint a substitute director to act during the absence of John F. Bowler.

The committee on the education of Asiatic children asked for more time in which to prepare its report. The request was granted. Applications for regular membership from J. R. Logan, bricklayers, 457 Beretania Avenue and for special membership from W. P. Fuller & Co., dealers in paints, oils and glass, 21 Front street, San Francisco, and the Pacific Metal Works, Importers and manufacturers of metals, 153-159 1st St., San Francisco, were received and the applicants elected members. A communication from the Acting Governor was read as follows:

Honolulu, July 28, 1904.

J. H. Craig, Pres. Builders and Traders' Exchange.

Dear Sir:

The Secretary of the Interior has just sent out for statements of Federal appropriations which are regarded as necessary for the Territory of Hawaii during the next fiscal year.

These must be forwarded to Washington promptly and I should be glad to have your suggestions in the matter with the amount of appropriations that you think it advisable to ask for, setting forth your reasons as to why the territory has a right to make such requests.

Yours truly,

A. L. C. ATKINSON,

Acting-Governor.

It was moved and seconded that, with the exception of the lighthouse clause, last year's requests be renewed as follows:

Improvement of Honolulu Harbor, breakwater at Hilo, federal buildings for Honolulu and Hilo.

Much discussion was indulged in by the members on the subject of some short-sighted people holding up the prices of real estate wanted for government improvements and thus blocking the work. A committee was appointed to investigate this matter.

A letter was received from the New York Board of Trade and Transportation thanking the Exchange for its resolutions looking toward the revival of the American Merchant Marine. It was voted that the secretary send a copy of the resolutions to the secretary of the United States Merchant Marine Commission at Boston.

ceeded to the adoption of the by-laws and considering that they were taken up one at a time and had to be interpreted into half a dozen different languages I think we made very good progress. As it got late before all the rules had been considered it was decided that we adjourn again.

"I was quite late in arriving at the next meeting and just after my arrival the secretary began to read an article entitled, 'Manager.' As this was not in the committee report as I had signed it, I demanded that the society be told how it came there. The chairman called on Mr. Strauch and he said that it had been inserted at the request of a lawyer. When I asked him by whose authority the lawyer had been employed he did not answer. At this a heated discussion began and was carried on in both English and Hawaiian, mostly in the latter tongue.

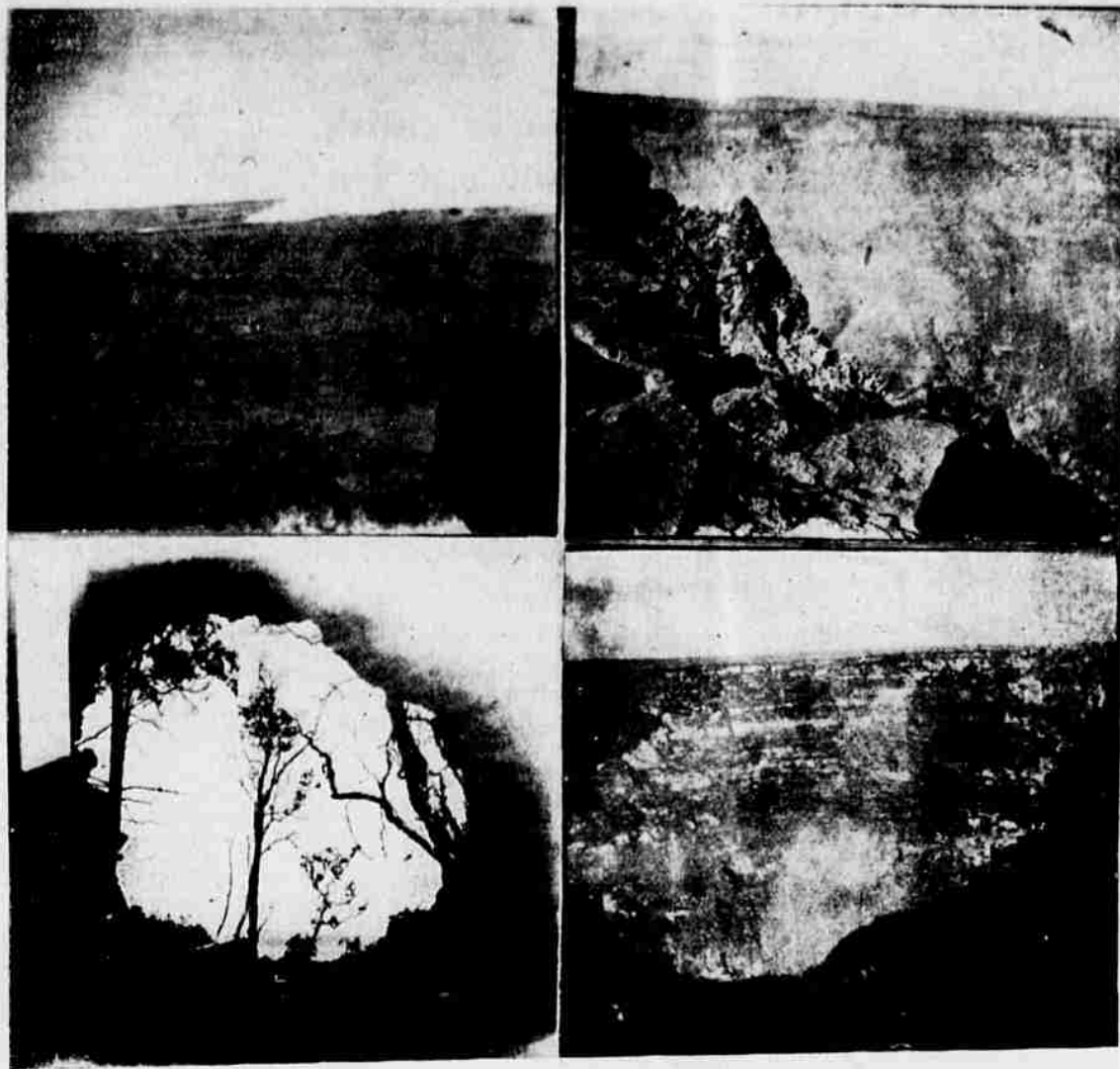
After much talk, in which it was maintained by many that as Strauch was already manager, this reorganization had brought the society back to its starting place, the article was finally adopted. This gave Strauch unreasonable power. "I then rose and stated that I would make no more objections but that I wished the secretary to record my vote against each of the articles. After questioning the chair three times in order to do this I was not by continued refusal. Subsequently all the articles were adopted and the meeting adjourned." (Continued on Page 1.)



# KILAUEA SHOWS SIGNS OF ERUPTION.

SMOKE ISSUING FROM KILAUEA.

CRATER DEVOID OF SMOKE.



CAVE FROM WHICH LAVA FLOWED INTO PUNA.

ANOTHER VIEW OF THE PIT.

(Photo by W. D. Westervelt.)

Will history repeat itself with relation to the recent disappearance of smoke and steam from Kilauea volcano and an eruption with a flow of lava ensue? A minute study of the eruptions in former years indicate that whenever smoke and steam have failed to issue from the deep chasm of Halemaumau, it portends an outbreak. The unusual number of earthquakes which have recently been felt in Kau district on the island of Hawaii as well as in Honolulu, the last shock being felt here less than a week ago, brings to mind similar occurrences in Kilauea in former times.

Rev. W. D. Westervelt, who has just returned from a visit to Kilauea, studied the crater day after day, taking a large number of photographs in which are portrayed dense volumes of smoke rising from the pit. Other photographs taken a few days later show no signs of smoke, although Mr. Westervelt says that occasional puffs of steam rise from some of the cracks. As far as he could peer down into the pit there was to be seen only the jiggling, tremulous movement of hot air.

From a drawing made of the crater in its present form it has now assumed the appearance of a funnel the small end downward, with shelves opening toward the interior just below the rim.

In the year 1840 Hillebrand makes the first mention of the disappearance of smoke and shortly after this was noticed there was an eruption, and a flow of lava travelled over Puna to the sea. On April 18, 1868, the smoke disappeared and shortly afterward there was an underground flow of lava which came out near Kahuku, Kau. Again in 1880 the same thing occurred and a flow of lava started off which threatened to invade the town of Hilo. Fire disappeared from the bottomless pit for a week or more. Another similar occurrence took place in 1886, followed by earthquakes and an underground flow of lava. In 1891 after a disappearance of fire and smoke the crater became exceedingly active. Just where the flow of lava went or by what means it freed itself is not known, but it is supposed to have taken an underground route to the sea. In 1893 the pit filled up, no smoke was to be seen, and an eruption followed. In 1894 the lake sank and no smoke was visible.

Most of the disappearances of smoke have been brought to the attention of observers in the months of April, May, June and July.

A writer describing the appearance of Kilauea in 1898 says: "We made a circuit of the crater and found not a trace of liquid lava. The vast cliffs, rising in beetling sternness, gave the place an appearance of frightful desolation. Steam could be seen rising from most parts of the crater and mineral gases were perceptible."

Rev. Mr. Westervelt states that this is about the present condition of Kilauea. Occasionally little puffs of smoke are seen coming from the sides and from the floor of the crater there is a wavy motion of hot air.

## HUGHES GOT SILVER FOR HIS WEIGHT

H. Hughes, who recently won his weight in silver in an Examiner competition, received a check a few days ago from the paper for \$1700. Mr. Hughes, who is connected with the mechanical department of the Hawaiian Electric Works, was asked yesterday concerning the matter and replied:

"Oh, yes, I got my money all right. I received a check for \$1700 and sent them a receipt for the money. I had expected the whole thing would bring me into all kinds of newspaper notoriety, and expected also that they would ask for my photo and peddle it. I am glad to say, however, that this was not expected of me, for I dislike getting into the papers in this way."

## Chinaman's Ribs Broken.

An aged Chinaman, who drives a laundry-wagon, met with a bad accident in Manoa Valley on Monday resulting in his being taken to the Queen's Hospital for the treatment of three broken ribs and other bruises. It is also believed that he is injured internally.

The man was putting some clothing into the wagon when the horse turned about. The wagon, being at the time on a slanting portion of Manoa road, overturned and caught the Chinaman under it. He was taken out in an unconscious condition.

## Monanua Released.

Monanua, who was committed to the Insane Asylum several days ago on complaint of the Board of Trustees, was discharged today. Dr. Emerson examined him and decided that he was not a candidate for the asylum. Dr. Emerson, who is a friend of Monanua, has been friendly with a strong appeal for his release.

Active efforts are being made to get the man out of the asylum. It is believed that he will be released soon.

## POLISH NOBLEMAN'S VISIT TO KILAUEA 66 YEARS AGO

With the old spelling of "Kilauea," the Spectator, a Honolulu magazine of 1838 "conducted by an association of gentlemen," has the following account of a visit to the Volcano of Count Strzelecki, a Polish nobleman:

My Dear Sir,

Your kind request to supply the valuable publication of the Spectator, with an account of my visit to the Volcano of Kilauea on Hawaii, both pains and flatters me; for I regret much that my limited stay here, the daily current and accumulating objects of new and interesting inquiries render any circumstantial description of it really impossible to me. A few facts, and fewer observations which a hasty and rough sketch brings forth, is all I am able for the moment to supply you with. I cannot even attempt to give you the slightest idea of the impressions which the awful sublimity of the volcano produced upon my imagination; that part of our being does not yield as easily as memory—it does not reproduce sensations; the rapture—the enthusiasm once gone by, is lost forever.

What I remember, and long shall recollect, as showing the mighty influence of mighty objects upon me, are the difficulties I had to struggle with, before my eye could be torn away from the idle, vacant but ecstatic gazing with which I regarded the great Whole, down to the analytical part of the wondrous and unparalleled scene before me. I say unparalleled, because having visited most of the European and American volcanoes, I find the greatest of them inferior to Kilauea in intensity, grandeur, and extent or area.

The abrupt and precipitous cliff which forms the N. E. wall of the crater, found, after my repeated observations, to be elevated 4,104 feet above the level of the sea—overhangs an area of 3,150,000 square yards of half-cooled scoria, sunk to the depth of 200 yards, and containing more than 328,000 square yards of convulsed torments of earth in igneous fusion, and gaseous fluids constantly effervescing—boiling—spouting—rolling in all directions like waves of a disturbed sea, violently beating the edge of the caldrons like an infuriated surf, and like surf spreading all around its spray in the form of capillary glass which fills the air, and adheres in a flaky and pendulous form to the distorted and broken masses of the lava all around; five caldrons each of about 5,700 square yards, almost at the level of the great area, and containing only the twelfth part of the red liquid; the sixth caldron is encircled by a wall of accumulated scoria of fifty yards high, forming the S. S. W. point—the Hale mau mau of the natives to which the bones of the former high chiefs were consigned—the sacrifices to the goddess Pele offered—the abyss of abysms, the children of caldrons—exhibiting the most frightful area of about 300,000 square yards, bubbling red hot lava—bubbling incessantly its level sometimes rising the long curled waves with broken masses of cooled crust on one side of the horrible laboratory—sometimes, as if they had made a mistake, turning back with spouting fury and a subterranean death rattle of a sound more infernal than anything I could ever have dreamed of. The earthy ground was broken of lava, and along of every depression and subterranean hole, and the whole was a scene of horror and destruction.

With the greatest respect and consideration, believe me, my Dear Sir, Your most obedient servant, PAUL EDMUND DE STRZELECKI. To the Rev. J. D. I. Honolulu.

## DUERDON FINDS RARE REEF FOR CORALS

Dr. Duerdon of the University of Michigan, who is now in the islands collecting corals for the Carnegie Institution, is on the Kona side of the island with Montague Cook, whose boat was sitting in a cove of more gathering coral specimens from the reefs.

Dr. Duerdon states that he has found one of the most valuable places in his collection for the collection of the coral. He and Mr. Cook are being assisted by several Hawaiians.

high—there torn asunder, dispersed, cracked, or remoulded—everywhere terror, convulsion—mighty engine of nature—and nothingness of man!

No where does the solution of the great problem of volcanic fires by Sir Humphrey Davy, receive a more palpable illustration than here; the access of the water to the ignited masses of these minerals of alkaline and earthy bases, by which that great philosopher explained the convulsions of volcanic fires, is displayed here in most pertinent, most awful effects. It is only to those millions of vents all around the crater, through which the superabundance of steam escapes—to the millions of fissures through which the sulphurous and sulphuric acids liberate themselves from beneath, that the preservation of Hawaii from utter destruction, by the expansive force of steam and gasses, can be ascribed.

The nature of the volcano, with its uncommonly intense heat, and so many wide and easy openings, is, to elect nothing without alteration, and to subsume every variety of substance which the concomitants of the volcanic fires embrace. Thus, here is the rare volcanic glass in capillary forms, and many perfect vitrifications; the murmur of ammonia in effluence, often conchoidal, often in elongated hexahedra—and in one single instance, even in that rare form of a cubic crystal; thus, the sulphur of arsenic, both as realizer and ornament; the sulphur itself in most beautiful incrustations, crystallized in cubic or truncated octahedrons; the petro aluminous of Sciofa, (Italy), or alkaline sulphate of alumine, imbedded sometimes in crevices of lava, sometimes in argillaceous earth; thus, the singular and rare cavernous lava, known hitherto to exist only in Iceland—its large tumefactions in blisters and bubbles, from a crust of the finest glass to an arch of four feet thick, forming caverns through which the superabundance of lava in the crater discharges itself, as through subterranean tunnels, in all directions of the island.

A profile imagination can find here a vast field for fanciful speculation on the origin, duration and probable or possible results of the continued operations of this frightful and gigantic volcano. Science will never tire in the study of Nature; but, alas! beyond what she sees, and what strict inductive forms allow her to conclude, she must stop—admire—bow and repeat. Sapientia hujus mundi stultitia est.

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Dr. Duerdon states that he has found one of the most valuable places in his collection for the collection of the coral. He and Mr. Cook are being assisted by several Hawaiians.

## WHO GETS CONVENTION?

### Hilo Making a Strong Bid for the Plum.

The question of whether Hilo or Honolulu will get the Republican Territorial convention will be decided at a meeting of the Territorial Central Committee which has been called by Chairman Crabbe to meet at headquarters on Monday evening.

It is rumored that Hilo has more than a fighting chance for getting this year's convention, having made a strong bid for it. Once before Hilo tried to get the plum but failed. This time, however, it appears as if the wind was blowing in the direction of the Rainy City.

Representative E. Knudsen of Kauai is said to be in training for a Senatorship from the Garden Island.

Senator Cecil Brown, whose term of office expires before the coming election, is said to again be out in the field for re-election.

One of the efforts of the so-called "Good Government Club," formed by Paddy Ryan, is said to be to boost E. H. F. Wolters, father-in-law of Ryan, to the Legislature. Another man who is said to have the legislative bee buzzing in his bonnet is Singer, the baker, although no one is standing sponsor for him.

## PALOLO FIRE RUNS INTO THE FORESTS

Acting Governor Atkinson and the Board of Agriculture and Forestry are much exercised over the fire on Palolo heights which started last Friday in the day-time and it had not ceased up to Monday when the Acting Governor went over the locality on horseback.

While the Acting Governor was calling the attention of the police department to the matter, asking that the High Sheriff ascertain who started the fire, a request was received from the Board of Agriculture to provide them with the law covering the destruction of government forest by fire, that the Board might take action.

The Acting Governor stated yesterday that fires on public lands must be stopped. They are too frequent and if some one is not punished there might yet ensue a fire of disastrous proportions.

"It is the desire of the government to protect our forests. This Palolo fire invaded the Palolo forests and has done great damage. I went over the place myself and found many places where the fire could easily have been stopped by one person. I don't understand why those interested in the lands there did not see that the fire was covered."

The police are investigating the matter. Mr. Atkinson is going to the estate of the late Hon. John Young to get the record of the Palolo fire. He will also get the record of the Palolo fire. He will also get the record of the Palolo fire.

## MEETING OF THE COUNTY ACT COMMISSIONERS

(Continued from Page 1.)

of the City or the District of Columbia. Congress makes the laws and the Commissioners execute them. We have the most honest government; never have strikes, have a fine police and fire department and I believe the taxpayers in general believe they get a dollar's worth for every dollar they put in. They are well satisfied with that kind of government.

"I came to Honolulu to ascertain what the people here wanted at Washington. I think too much importance is placed on what Congress thinks about this question of County government. I think you ought to pass a bill satisfactory to the people here and let your own courts pass upon it. Your Delegate, Mr. Hatch and myself spent a whole day in the committee room of the Territories and the act was read. The members praised portions of it, especially the portions which related to safeguarding the officials and funds. But you cannot get a big crowd of men from different states with different views about internal governments to agree with you altogether. They do not understand about conditions here and soon the act would be loaded down with amendments. Let your courts pass upon the act. I think the local Supreme Court would pass upon it about the same as the United States Supreme Court would."

"If you should send the matter on to Washington I shall be glad to do everything possible for you before Congress within my power. I think you will find Congress willing to do what it can for the islands."

### APPOINT OR ELECT?

Mr. Stewart presented the following views:

The difficulty lies here: Under the Organic Act can the people elect a board of Supervisors? Some citizens hold that under section 80 of the Organic Act the power of appointment lies exclusively with the Governor; and there is a fear that the Supreme Court may so hold.

Now, while I believe that this power applies exclusively to Territorial law, if this commission should draw an act providing that the people should elect the Board of Supervisors and the Supreme Court should decide that the provision for election is in conflict with the Organic Act, then our act would fall and we would lose County Government again. To such a result, I would not like to be a party.

The suggestion made tonight by W. O. Smith that the County elect a number of persons from whom the Governor would appoint is doubtful, because the provision would be a nullity in the sense that it could not bind the Governor. His power under the Organic Act could not be limited in this way. No mandamus would lie against him to restrict him to appoint from this number; and the nullity of the provision might affect the validity of the whole act; and the work of this commission would mark another failure in county government.

The suggestion by Mr. Rawlins at the last meeting that we draw the provision in an alternative way, that is providing for election and providing further that if the Supreme Court should hold against election, then the Governor should appoint, is doubtful from its uncertainty. Legislation should be definite and certain, and there seems to be danger in the proposition.

The life of the Board of Supervisors would lie in its method of creation. If that were held illegal, it seems to me that the whole board would fall, and there would be no board for the Governor to appoint.

It seems to me that a way out of this difficulty is this: Provide that any section may be nullified without carrying the whole out, then draw an act conceding the Governor's right to appoint the Board of Supervisors; then create a road board or road boards in each county to be elected by the people, giving them the right to expend public moneys in the care of the roads, etc. Then let an attack be made upon these boards, and if the Supreme Court should hold that they were legally constituted, the next legislature would then amend the County law and make the Board of Supervisors an elected body. If the Supreme Court should hold that the Governor should appoint these road boards, then we could go to Congress for an amendment of the Organic Act, and Congress would then take up the matter as it would then clearly appear that there is no other remedy open to the people.

Mr. Smith suggested calling the Boards of Supervisors a Council so as to get around the word boards.

### ORGANIC ACT AGAIN.

Judge Dole said: "My idea is growing in this direction. The word board is used in its general sense. These provisions are for the Territorial government. Everything in the act, with the exception of this provision for County government, is a series of enactments for the carrying on of the Territorial government. I believe this section in regard to boards can be properly construed as belonging to the main, or Territorial, government, and I don't think it meant any other but the main government. It has no allusion to any government that may be created in the future. Think of the ridiculous and absurd condition we reach if we apply it the other way. There may be a little township in Puna which is to have a board of supervisors and to say that that board should be appointed by the Governor, sounds ridiculous and has no force, and I don't believe there is any possibility of our Supreme Court giving it any consideration at all."

Chairman Cooper: "I feel the same way. Our Supreme Court had the opportunity to decide that question but did not choose to take it up, making the test issue on other matters."

Judge Dole: "It is unfortunate that it was not done then."

Mr. Atkinson: "If the commission could only look into the minds of Messrs. Hatch and Rawlins and find out what they were thinking of when they wrote the Organic Act, it would be a great help."

## CHAS. BREWER & CO'S. NEW YORK LINE

Bark Foohing Suey sailing from New York to Honolulu about Aug. 15. FREIGHT TAKEN AT LOWEST RATES.

For Freight Rates apply to CHAS. BREWER & CO., 27 Kilby St., Boston, Or C. BREWER & CO., Ltd., Honolulu.

## Hamburg-Bremen Fire Insurance Co.

The undersigned having been appointed agents of the above company are prepared to insure risks against fire on Stone and Brick Buildings and on Merchandise stored therein on the most favorable terms. For particulars apply at the office of F. A. SCHAEFER & CO., Agts.

## North German Marine Insurance Co. OF BERLIN.

Fortuna General Insurance Co. OF BERLIN.

The above Insurance Companies have established a general agency here, and the undersigned, general agents, are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO., General Agents.

## General Insurance Co. for Sea, River and Land Transport of Dresden.

Having established an agency at Honolulu and the Hawaiian Islands, the undersigned general agents are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO., Agents for the Hawaiian Islands.

## "The Overland Limited"

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## California

To the EAST via The Union Pacific

## This Train is really a First-Class Modern Hotel

with Handsome Parlors, Drawing Rooms, Bed Chambers, Boudoirs, Libraries, Smoking and Reading Rooms, Barber Shops, Bath Rooms (hot and cold water), superbly appointed Dining Rooms, glittering with Mirrors, Cut Glass, Fragrant Flowers, Electric Candelabra, etc.; Promenades, Observation Rooms, Electric Lights, Electric Fans, Telephones, Electric Reading Lamps, Perfect Heat, etc.

## RUNS EVERY DAY IN THE YEAR

Full Information Cheerfully Furnished on Application to

S. F. BOOTH, General Agent.

1 Montgomery St., San Francisco

OR

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## Morning Stars Defeated.

The Kahuluis defeated the Morning Stars at Wailuku on Sunday by a score of 8 to 7. This is the first defeat sustained by the Morning Stars since their organization two years ago.

## Winston Was Thanked.

A complimentary letter was addressed yesterday by the Acting Governor to E. C. Winston, formerly a member of the Tax Appeal Board for several years. Mr. Winston was not reappointed this term as he intends to go away from the Territory to remain for an indefinite period. The letter was expressive of the thanks of the Acting Governor for the services rendered both to the government and to the people by the retiring member of the board.

Justice Frear and see what they have stored up there about the County Act we could easily steer our craft."

Mr. Honnell: "The personnel of the Supreme Court, and it is to be hoped that it is better than it was before, I endorse the views of Judge Dole as far as he expresses himself on section 80 of the Organic Act regarding the provisions made for the main government. He has expressed his views more fully than I could repeat."

Announcement was then taken in the p.m. on Tuesday, August 1.









**THE OLD RELIABLE**  
**ROYAL**  
**BAKING POWDER**  
**Absolutely Pure**  
**THERE IS NO SUBSTITUTE**

### LOCAL DISCUSSION OF KOREA'S CASE

A gentleman who has been following the trend of the war closely since its start and has studied the maps thoroughly, is of the opinion that if the Korea has really been captured she will never reach Vladivostok as a prize.

"It is my opinion that owing to the publicity given to the movements of the Vladivostok fleet, the Japanese must have formed some plan for intercepting its return. The Korea, being a rich prize, will undoubtedly be conveyed by the entire fleet of Skryzloff. She will be in command of a prize crew and if the Japanese and Russian fleets come together care will be taken, at least by the Japanese, not to fire close to her. If she sinks it will be by act of the Russians, and most likely intentionally. In that case the Pacific Mail will have a most excellent claim for damages and will be given a full award for her loss.

"Although the Japanese did not seem to make good in getting word to the Korea of her danger, it is only natural to presume that every effort will be made to prevent the Russians from taking her as a prize to Vladivostok."

### INVITED TO STATE NEEDS OF HAWAII

To meet the written desire of the Secretary of the Interior, Washington, for suggestions on Federal appropriations for Hawaii, Acting Governor Atkinson has addressed the following circular to all of the commercial and local improvement bodies in the Territory:

"The Secretary of the Interior has just sent out for statements of Federal appropriations which are regarded as necessary for the Territory of Hawaii during the next fiscal year.

"These must be forwarded to Washington promptly and I should be glad to have your suggestions in the matter with the amount of appropriations that you think it advisable to ask for, setting forth your reasons as to why the Territory has a right to make such requests."

Suggestions from individual citizens will also be welcomed by the Territorial executive.

### TWO VESSELS IN FROM COAST

About the only topic of conversation on the waterfront yesterday was the reported capture of the Korea. Knots of men gathered each man with a newspaper and discussed the news, speculating upon the results of Russia's action. This was the only thing that ruffled the calm of the front except the arrival of the barkentine W. H. Diamond and the ship Marion Chilcott.

The former got in from San Francisco early in the day with a cargo of general merchandise. The latter vessel came in late in the afternoon with a big cargo of oil. Both vessels report good weather and uneventful voyages. After the arrival of these vessels there will probably be a long interval before any more deep sea ships arrive at this port. The Fort George, forty-two days out from Newcastle, may show up soon as she is a fast boat, although other ships have been taking a much longer time on this run. If the mail steamers are discontinued for a time the port will be very quiet for the next month.

**DUE TODAY.**  
Stmr. Mauna Loa, Simerson, from Kona and Kau ports, 7 a. m.  
Stmr. Likelike, Naupala, from Molokai and Maui ports.  
**SAIL TODAY.**  
Stmr. J. A. Cummins, Searle, for Waimanalo and all Koolau ports, 7 a. m.  
**SAIL SATURDAY.**  
C. A. S. S. Aorangi, Phillips, for the Colonies, 9 a. m.

**NOEAS REPORTED ASHORE.**  
There was a rumor current last night to the effect that the Inter-Island boat Noeau had gone ashore at Anahola. The company's agents at this port denied all knowledge of the affair saying that they would have been notified by wireless if the accident had occurred. The steamer is not expected until this morning.

ANYONE who has ever given Chamberlain's Cough, Croup and Diarrhea Remedy a trial will tell you it is unequalled for all stomach and bowel troubles. It cures colds and is pleasant to take. For sale by all druggists and grocers. Beware of cheap imitations.

**RAILS FOR HILLO.**  
Eight hundred tons of steel rails, a part of the T. H. Starbuck's cargo, are consigned to the Kohala-Hilo railroad. President Peck of the railroad is working hard for its construction although no contracts have been awarded yet. Surveys have been made and it is expected that construction work will begin soon.

How long have you been married? asked the prima donna. "Only six months this time," replied the beautiful soprano. "But putting them all together I suppose I have been a wife for more than half a century at least," said the prima donna.

## THESE MEN HAVE FAITH Honolulu's Future Not Doubtful To Them.

That there is a respectable sized remnant of citizens who still have faith in Honolulu's future has proof in the organization of a new building and loan institution, with a long-established local and a powerful San Francisco association of the same kind in the field. An application for a charter is about to be filed in the office of the Treasurer of the Territory by the Mutual Building and Loan Society, Limited, of Hawaii. Herewith are presented the list of charter officers and a digest of the leading features of the association:

James L. McLean, president.  
J. A. Lyle, vice-president.  
Richard H. Trent, secretary.  
C. H. Cooke, treasurer.  
Capital stock, \$5,000, with privilege of increasing from time to time to \$100,000.

**Object.**—To aid its members in conserving and preserving their savings without the knowledge of the shareholders in general, and elected themselves to eleven offices in the society. Some of these men are shareholders and some are not. The officers elected by this charter-session are: Joseph A. Akina, president; S. K. Oili, vice-president; J. J. Matthews, secretary; M. W. Tschudi, treasurer; J. K. Kakaui, chairman of the board of trustees; S. N. Lukina, secretary of the trustees; L. K. Sheldon, W. K. Luther, Mr. Souza, Jno. P. Kahana and W. Kelle, trustees. After this I filed my protest."

The Society has the right to cause its capital stock to be paid in on the basis of monthly installments or otherwise, and the management is to be vested in a board of not less than five nor more than fifteen directors, who shall be elected annually by the stockholders.

The Mutual Building and Loan Society starts in life with 500 shares of the par value of \$100 per share subscribed for, on which monthly installments of one dollar per share are to be paid. Among the subscribers other than the officers above named are quite a number of leading business, professional and working men, some of the names being as follows: O. L. Sorenson, G. J. Waller, W. H. McInerney, C. T. Littlejohn, S. B. Rose, S. M. Kerns, J. Venhuizen, E. C. Peters, A. A. Wilder, J. T. Wayson, H. G. Young, K. R. G. Wallace, Chas. R. Roe, F. B. Angus, Geo. Angus, John A. Hughes, N. E. Gedde, James Gregory, J. F. Haglund, Chas. S. Crane, C. Crozier, C. W. Crandell, C. J. Day, M. G. Johnston, Julius Asch, J. B. Searle, M. P. Van Valkenberg, W. J. White.

### TONEY AFONG MAY HAVE TO EXPLAIN

The position of Mr. Toney Afong, son of Mrs. Julia Afong, who is one of the passengers aboard the Korea, is a peculiar one. Mr. Afong is a member of the firm of Douglas, La Paire & Co., of Hongkong, a concern which does a large shipping business and controls a line of steamships. Among the company's vessels is the steamer Haimun which was used at the beginning of the war by a syndicate of newspapers as a despatch boat.

During one of its cruises in the Yellow Sea the vessel was taken by the Russians. It is becoming known that Mr. Afong was a member of the firm owning the vessel explanations may be required of him.

### The Mails.

Mails are due from the following points as follows:

San Francisco—Per Mongolia, Aug. 2.

Yokohama—Per Doric, July 31.

Sydney—Per Ventura, Aug. 2.

Victoria—Per Aorangi, July 30.

Mails will depart as follows:

San Francisco—Per Doric, July 31.

Yokohama—Per Mongolia, Aug. 2.

Victoria—Per Manuka, Aug. 24.

Sydney—Per Aorangi, July 30.

### Mail Boats Delayed.

Dispatches received in this city yesterday forecast a serious disturbance in the schedules of the Pacific Mail and Occidental and Oriental Steamship companies. The presence of the Vladivostok squadron off Yokohama has played havoc with the trans-Pacific service. The Siberia has been ordered held at Kobe for orders, the Gaelic is lying at Midway awaiting developments and the sailing of the Mongolia from San Francisco is reported to be delayed. The local agents of the companies reported no advice further than those published but developments are awaited with interest.

### Rails For Hilo.

Eight hundred tons of steel rails, a part of the T. H. Starbuck's cargo, are consigned to the Kohala-Hilo railroad. President Peck of the railroad is working hard for its construction although no contracts have been awarded yet. Surveys have been made and it is expected that construction work will begin soon.

How long have you been married? asked the prima donna. "Only six months this time," replied the beautiful soprano. "But putting them all together I suppose I have been a wife for more than half a century at least," said the prima donna.

## WANTED TO LEAVE THEIR BAGGAGE BEHIND

Following is one of the letters received at Waipahu plantation during the past few days from hedging strikers. Those who sign it were among the number ordered to leave:

Mr. Scober,

Dear Sir:

We are very sorry to write you, at this time, of Japanese trouble. As you know we, nine Japanese, have no opinions as to those as the other Japanese who have wanted severe demand to plantation.

But we were obliged, at now, to unite to the other Japanese, for all Japanese at Waipahu are to have the same attitude of the trouble.

So we will leave our baggages to our home, for, we think, it shall be a peaceful settlement between plantation and Japanese laborers within a few days.

So we wish you that you will permit us to leave our baggages to our house, and give us the same position as before, when we will come back to our work after there was a good settlement.

Yours truly,

(NINE NAMES.)

### STRAUCH COMBINATION.

(Continued from Page 5.)

ed to meet on July 25 for the election of officers.

"On the 23rd eleven men got together without the knowledge of the shareholders in general, and elected themselves to eleven offices in the society. Some of these men are shareholders and some are not. The officers elected by this charter-session are: Joseph A. Akina, president; S. K. Oili, vice-president; J. J. Matthews, secretary; M. W. Tschudi, treasurer; J. K. Kakaui, chairman of the board of trustees; S. N. Lukina, secretary of the trustees; L. K. Sheldon, W. K. Luther, Mr. Souza, Jno. P. Kahana and W. Kelle, trustees. After this I filed my protest."

### OF CURRENT INTERESTS.

#### NEWSPAPER DISCRETION.

It may be asked, says a writer in the Bookman, what is an illustration of the discretion of a political correspondent? I answer: Several of the correspondents were chatting with President McKinley in his office in the White House early in 1900. Senator Hanna dropped in and the president said: "Mark, you're the very man I want to see. I want to tell you that you mustn't push that subsidy of yours this season. I know it's the pride of your heart, but you mustn't do it. It's not wise. It won't do." The correspondents who were present merely sent to their newspapers that night the information that there was little or no likelihood that Senator Hanna's ship subsidy bill would go through that winter. Again, when President McKinley was berated for not hurrying along the war with Spain, he told the correspondents, "I haven't got enough of that big brown powder on hand as yet. We are pushing the mills as fast as possible." The correspondents gave a number of reasons for the delay in the war preparations, all truthful, but they neglected to give the real reason in their dispatches to their newspapers. That would have been too good reading for Spain, and might have injured our cause.

#### AN EARL'S ROMANCE.

Quite as romantic as any novel is the true story of how the Earl of Darnley met with his clever and charming wife. He was then the Hon. Ivo Bligh, and while visiting Melbourne with the English cricketers injured his hand at a cricket match. The wound was bound up for him by a lady who was present, who used her own handkerchief for the purpose, and when, later on, Mr. Bligh wanted to thank his good Samaritan and return the hand-

## A Life Saved

Never give up. No matter how ill you are, Ayer's Sarsaparilla has cured some terrible cases, and it will cure you.



Mr. Thos. H. Cashel, Barret Creek, Dripstone, New South Wales, writes: "I feel it my duty to let suffering people know what a wonderful blood-purifying medicine is Ayer's Sarsaparilla. My illness began with sharp pains in the limbs, while I was handling wet wool. After a day or two I could not walk, and suffered terrible pains. My face turned nearly black, large red blotches came out all over my body, and then I became delirious. I was in two hospitals for some time, and everything was tried, but I grew weaker and weaker, and became convinced that nothing could be done for me. I had heard so much about Ayer's Sarsaparilla that I thought I would give it a trial as the last hope. After taking one bottle I thought I felt a little better, so I procured another bottle, and then another, and still another. I gradually improved, and in due time left my bed for the first time in six months. I am now in good health, and I say in every case that Ayer's Sarsaparilla saved my life."

**AYER'S Sarsaparilla**

There are many imitations of Sarsaparilla. Beware of cheap imitations. Prepared by J. C. Ayer & Co., Lowell, Mass., U. S. A. SELLERS: H. H. H. Co., Agents.

kerchief, he was introduced to Miss Florence Borphy, daughter of a local magistrate, a charming young girl, with whom he fell instantly in love. The sequel reads like a story book, for they were married in 1884. Sixteen years later Mr. Bligh, by the death of his brother, became eighth Earl of Darnley.

### HE DID NOT SURVIVE HIS DEATH.

The will of Peter Johnson of Muskegon, filed for probate last week, sets a new pace in thought and phraseology. Mr. Johnson, after signifying the disposition he wishes made of his property, offers the following explanation and further statement: "Why I give all these things is because I want to have care taken of me. If I get well from being sick, I will pay the money which I owe and will also pay for my burial."

The filing of the will for probate indicates that the testator did not survive his death, and should not be harshly blamed if he failed to personally settle with the sexton and the undertaker.—Detroit Tribune.

### FORECLOSURES.

**ASSIGNEE OF MORTGAGEE'S NOTICE OF INTENTION TO FORECLOSE AND OF SALE.**

In pursuance of the power of sale contained in that certain mortgage from Kaubola (k) of Makua, Waianae, Oahu, to C. B. Maile, of Honolulu, of said Oahu, dated 9th of September, A. D. 1898, and recorded in the Register Office in Book 180, pages 477 and 478, and which said mortgage was sold and delivered to one Douglass Kaona by virtue of a certain Indenture dated July 2, A. D. 1904, and which was duly recorded in said Register Office, notice is hereby given that the said Assignee of said Mortgagee intends to foreclose said mortgage for condition broken to wit: the non-payment of principal and interest when due and will on the 6th of August, A. D. 1904, at 12 o'clock noon of said day, expose for sale and sell at the auction rooms of J. F. Morgan, No. 847 Kaahumanu street, Honolulu, the property described in said mortgage not before this time released from the operation thereof.

That piece of property situate at Makua, Waianae, Island of Oahu, of Royal Patent No. 3634, Land Commission Award No. 9544 to Kawaia for Manua; having an area of 9 acres, more or less, and which came to his possession by virtue of an Indenture of Deed executed by D. K. Mahu, dated September 4th, A. D. 1878, and recorded in the Register Office in Book 83, pages 155 and 156.

The terms of the sale are cash in the United States gold coin. Deed to be at the expense of purchaser.

For further particulars apply to

DOUGLASS KAONA,

Assignee of Mortgagee,

Room 3, Waity building, King street, Honolulu, Oahu.

2607—July 15, 22, Aug. 5.

### NOTICE OF INTENTION TO FORECLOSE AND OF SALE.

JAS. A. ALLEN.

Under and by virtue of the power of sale contained in that certain mortgage, dated June 2, 1896, made by and between James A. Allen of Honolulu, Island of Oahu, Territory of Hawaii, as Mortgagor, to Samuel C. Allen, of said Honolulu, as Mortgagee, and of record in the Hawaiian Registry of Conveyances in Book 160 on pages 446-448, which said mortgage was duly assigned by the Executors under the Will of said S. C. Allen, deceased, to Allen & Robinson, Limited, a Hawaiian corporation, by an instrument dated June 2, 1904, and of record in said Registry in Book 259 on pages 146-148, and which said mortgage was further assigned by said Allen & Robinson, Limited, to the Hawaiian Land & Improvement Company, Limited, a corporation established and existing under the laws of the Territory of Hawaii, by an instrument, dated June 15, 1904, of record in said Registry in Book 259 on pages 165-166, and pursuant to Chapter XXXIII of the Session Laws of 1874 entitled "An Act to provide for the sale of mortgaged property without Suit and Decree of Sale" and the Act (Chapter IX of the Session Laws of 1880) amending same, said Hawaiian Land & Improvement Company, Limited, as assignee of said mortgage, hereby gives notice that it intends to foreclose the said mortgage for condition broken, to wit, the non-payment of the principal and interest of the promissory note of said Mortgagor referred to in and secured by said mortgage, when due.

Notice is hereby likewise given that all and singular the lands and premises conveyed by and described in said mortgage, and the improvements thereon, hereinafter described, will be sold at public auction at the auction rooms of James F. Morgan, on Kaahumanu street, in Honolulu, on Saturday, the thirtieth day of July, A. D. 1904, at 12 o'clock noon of said day.

The property conveyed by the said mortgage and intended to be sold as aforesaid consists of:

All those certain lots, pieces, parcels or tracts of land situate at Pearl City, Ewa, Island of Oahu, Territory of Hawaii, being known and designated as Lots numbers fifteen (15), sixteen (16) and seventeen (17) in Block number ten (10) upon a map or diagram of said Pearl City, duly authorized and adopted by the Oahu Railway & Land Company, and recorded in said Registry in Book 121 on pages 243-245, and being the same land conveyed to said Mortgagor by said Oahu Railway & Land Company by deed dated March 25, 1892, and recorded in said Registry in Book 136 on pages 109-111.

Terms: Cash, in United States Gold Coin.

Deeds at the expense of the purchaser.

For further particulars inquire of Hailu & Marx, distinguished building Honolulu, attorneys for assignee of mortgage.

Dated Honolulu, July 1, 1904.

HAWAIIAN LAND & IMPROVEMENT COMPANY, LIMITED.

Assignee of Mortgage.

2607—July 1, 8, 15, 22, 29.

### NOTICE OF INTENTION TO FORECLOSE AND OF SALE BY ASSIGNEE OF MORTGAGEE.

JOSEPH FERNANDEZ AND WIFE.

Notice is hereby given that by virtue of a power of sale contained in that certain mortgage dated the 7th day of September, A. D. 1899, made by Joseph Fernandez, and Mrs. M. Fernandez, his wife, of Honolulu, Island of Oahu, Territory of Hawaii, to William C. Achi, which said mortgage is of record in the Registry of Conveyances in Honolulu aforesaid in Liber 199 on pages 113 to 115, and which said mortgage was duly assigned to Cecil Brown, Trustee, by document dated September 13th, A. D. 1899, and of record in Liber 199, on page 115, the said Cecil Brown, Trustee, assignee as aforesaid, intends to foreclose said mortgage for breach of the conditions in said mortgage contained, to wit, the non-payment of the principal and interest when due.

Notice is also hereby given that all and singular the lands, tenements and hereditaments in said mortgage described, will be sold at public auction at the auction room of James F. Morgan, on Kaahumanu street, in Honolulu aforesaid, on Saturday, the 30th day of July, 1904, at 12 o'clock noon of that day.

The property covered by said mortgage is Lot 16 in Pawaa Tract, Honolulu aforesaid, as more fully appears in a Map of said Tract recorded in Liber 175 on pages 304 and 305, and more particularly described as follows:

Beginning at the East corner of this Lot, being the North corner of lot 15, and running as follows:

1. S. 19° 43' W. 144.2 feet along Lot 15;  
2. N. 68° 52' W. 75 feet along Lot 19;  
3. N. 19° 43' E. 145 feet along Lot 17;  
4. S. 68° 32' E. 75 feet along Bereatania street to the initial point; containing an area of 10,482 square feet, more or less; and being the same premises conveyed to said mortgagor by deed of W. C. Achi, dated September 7th, 1899, and recorded in Liber 198, on pages 393 and 394.

Terms: Cash, United States Gold Coin.

Deeds at the expense of the purchaser.

Dated Honolulu, June 28th, 1904.

CECIL BROWN, TRUSTEE.

Assignee of Mortgage.

For further particulars apply to Cecil Brown, Trustee, Assignee of Mortgage, at his office, 97 Merchant street, Honolulu.

2603—July 1, 8, 15, 22, 29.

### Corns

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FORT STREET.

### NOTICE.

Notice is hereby given that from this date I forbid trespassing by either men or dogs, or any, except by my permission, upon any lands known to be owned by me from Huehue to Kaunamalu, North Kona.

J. A. MAGUIRE.

July 18th, 1904. 2610

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Highest price in cash paid for Green Salted Hides of from 40 to 50 pounds each. Before shipping, address us.

M. W. McChesney & Sons,

LIMITED.

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Cash is paid at the office of H. Hackfeld & Co., Honolulu, H. T. for wild Castor Beans, cleaned, at the rate of 2½ cents a pound, freight paid by consignees.

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C. KOELLING CO., Heeia, Oahu. 2597

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